THE TRIAL OF MARY DUGAN

BAYARD VEILLER

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THE TRIAL OF MARY DUGAN

Bayard Veiller

THE TRIAL OF MARY DUGAN

A MELODRAMA OF
NEW YORK LIFE
IN THREE ACTS

BY

BAYARD VEILLER

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The following is a copy of the programme of the first performance of "THE TRIAL OF MARY DUGAN" as produced at The National Theatre, New York, Monday evening, September 19th, 1927

A. H. Woods
presents
A Melodrama of New York Life

The Trial of Mary Dugan

By BAYARD VEILLER

—with—

ANN HARDING

—and—

REX CHERRYMAN

Staged by A. H. VanBuren

CAST
(As They Speak)

DISTRICT ATTORNEY GALWEY.....ARTHUR HOHL
JUDGE NASH.....JOHN RAVOLD
CLERK OF THE COURT.....ARCHIE SAYER
PAULINE AGGUERRO.....ANNA KOSTANT
HER ATTORNEY.....JASPER MANGIONE
COURT INTERPRETER .....JASPER MANGIONE
DR. WELCOME.....DEAN RAYMOND
STENOGRAPHER OF THE COURT.....LEWIS McMICHAEL
EDWARD WEST, Attorney of Defense.....CYRIL KEIGHTLEY
JAMES MADISON.....OSCAR POLK
POLICE INSPECTOR HUNT.....ROBERT CUMMINGS
POLICE CAPTAIN PRICE.....JOHN SHARKEY
DAGMAR LORNE, of the "Follies".....LEONA MARICLE
MARY DUGAN of the "Follies".....ANN HARDING
MAY HARRIS, of the "Scandals".....DENNIE MOORE
JIMMY .....REX CHERRYMAN
FERNE ARTHUR, of the "Follies" .....RITA KANE
MRS. EDGAR RICE.....MERLE MADDERN
HARRY JONES.....LOUIS HEYDT
PATRICK KEARNEY .....EDWIN JONES
MARIE DUCROT .....MICHELETTE BURANI
HENRY PLAISTED .....CHARLES EDWARDS
ASSISTANT DISTRICT ATTORNEY .....SIDNEY DUDLEY
COURT ATTENDANTS .....JOHN DOUGHERTY, ROBERT WILLIAMS, ...ROBERT BEGGS, THOMAS COLLINS

The Three Acts Are Laid in the Court Room.
Part 31 of the Supreme Court.

ACT ONE

ACT ONE

SCENE—*A courtroom in the new Supreme Court building in New York. A high-walled, severe room. The walls are grey and cold. Black columns fourteen inches square rise to the ceiling at regular intervals. The wooden panels rise from the baseboard to a height of eight feet. They are severe and massive. At left and well downstage on a high dais is the Judge's desk. This is of dark wood and is severely and heavily panelled. On a lower dais directly in front of the Judge is the desk of the Clerk of the Court. Downstage and beside the Judge's desk, on a slightly lower platform, is the witness stand. A still smaller table is set directly under the Court Clerk's desk. This is used by the Court Stenographer. More toward the center and well downstage is a large felt-topped table. To right of this are seats for the prisoner and her attorneys. Well upstage is another table occupied by newspaper reporters. There is a door in the left, flat above the Judge's desk, which opens into the Judge's private office and through which he makes his exits and his entrances. This entire setting is enclosed with a wooden railing, in the center of which at right is a swinging gate. Back of this are chairs occupied by spectators. There is no Jury Box to be seen nor any indications of a Jury.*

In this play no curtain is used. During a period of fifteen minutes before the actual action of the play starts the courtroom gradually comes to life. For the

benefit of people directly interested in the theatre the actual playing time of this subsidiary action is given.

8.25. ATTENDANT NO. 1. *Discovered sitting—chair tipped back against clerk's desk—reading and smoking.*

8.26. CLEANER NO. 1. *Enter with broom—dust pan—dust rags. Greets* ATTENDANT—*sweeps up ashes he has dropped. Puts broom above clerk's desk—pan on upper end of desk. She goes up on Judge's platform, starts to dust.*

CLEANER NO. 2. *Enter—greeting—goes to witness chair, dusts.*

NO. 1. *Goes to reporter table and chairs, dusts them.*

NO. 2. *Dusts clerk's desk—which causes* ATTENDANT 1. *to go to chair L. of lawyer's table.*

NO. 1. *Finishes reporters' table—goes to lawyers' table. Causes* ATTENDANT 1. *to go to chair above gate R.*

NO. 2. *Finishes clerk's desk and chair—goes to chairs up R. C. and R. causing* ATTENDANT 1. *to move to clerk's desk.* CLEANERS *finish dusting—they stand and talk.*

8.35. *Voices of* CROWD. *Door slam—Voices stop.*

ATT. 2—4. *Enter—*ATT. 1. *Gets up and talks to them.*

CLEANERS. *Exit U. L.—taking broom and dust pan.*

8.35½. *Voices.* ATT. 3. *"You'll have to wait—Court isn't open yet."*

Door slam.

Enter ATT. 3.

ATT. 2 & 3.—*Talk.*

ATT. 1. *Exit R.*

ATT. 4. *Exit R.*

8.36. *Voices.*

ATT. 1. *Calling "Stop crowding"—"Be careful, there" "Don't hurry."*

CROWD. *Rushes for seats.*

ATT. 2. *Goes to gate.*

ATT. 3. *Exits cage.*

8.36½. ASSISTANT DISTRICT ATTORNEY. *Enters U. L. with brief envelope—goes to table—arranges papers and suitcase—knife.*

8.37. REPORTERS. 1 & 2. *Enters R. Stop top of table—talks to* ASSIST. D. A.

8.37½. STENOGRAPHER. *Enters U. L.—goes to his desk.*

8.38. SMART GIRL REPORTER. *Enters—goes to seat at reporter table.*

REPORTER 2. *Follows her over.*

8.38½. ATT. 4. *Enters—Xes below table to Stenographer.*

8.39. EYEGLASS GIRL REPORTER, AND REPORTER NO. 3. *Enter.*

GIRL FROM CROWD—*asks to be allowed to sit inside.*

EYEGLASS GIRL. *Stops to speak to* REPORTER 1. *and* ASST. DIST. ATTORNEY.

REPORTER NO. 3. *Goes to his seat at reporters' table.*

8.39½. S. CLERK OF THE COURT. *Enters U. L. with books and files. Put on his desk—then exits U. L. and returns at once.*

8.40. ATT. 4. *Exits cage.*

8.40½. DR. WELCOME. *Enters R.—goes to the chair. As he enters*—REPORTER I *and* EYEGLASS GIRL *go to their chairs*—ASST. D. A. *goes to clerk's desk.*

8.41½. CAPT. PRICE. *Enters R.—Greets* ATT. 2.—*sits chair U. R.*

8.42. REPORTER 4. *Enters—Xes below table to* ASST. D. A. *at clerk's desk.*

8.42½. JAMES MADISON. *Enters R.—Shows subpoena to* ATT. 2.—*who directs him to seat.*

8.43. WEST. *Enters—goes to his chair R. of table.*

SMART GIRL REPORTER. *Rises, goes to West—she is followed by* REPORTER NO. 2.

CAPT. PRICE. *Rises—Xes to speak to clerk of court.*

ASST. D. A. *Starts back to his table—greets* PRICE *as they pass.*

REPORTER 4. *Speaks to* PRICE, *then goes to reporters' table.*

8.43½. INSPECTOR HUNT. *Enters R. Greets* ATT. 2.—*Xes front of table—speaks to* ASST. D. A.

8.44. GALWEY. *Enters U. L.—He comes D. C.*

ASST. D. A. *Joins him—then talk for a moment.*

HUNT. *Goes to his chair.*

PRICE. *Goes to his chair.*

ATT. 3. *Open supposed window D. L. then exit U. L.*

SMART GIRL REPORTER AND REPORTER 2. *Go back to their seats.*

GALWEY. *Goes up to reporter's table. As* GALWEY *gets to reporters' table the voices of all on stage—which have kept up a continual babel since the crowd entered—suddenly the voices stop sharply—all eyes turn to the cage. The* ATTENDANT *enters—the crowd rush to get as near the cage as possible as*

MARY. *Enters—slinking away from them as much as possible.*

DETECTIVE *places chair for her.*

GALWEY. *Comes down C.—standing looking at her.*

As ATT. 3 *enters from U. L. "Hear ye—hear ye—hear ye—etc."*

AS MARY *goes to her seat* ITALIAN GIRL *is seen standing in cage with* ATTENDANT.

COURT ATTENDANT. Court attention! [JUDGE NASH *enters. Everybody rises as* CLERK *raps.*] Hear ye, hear ye, hear ye. All ye who have business draw near, give attention, and ye shall be heard. [JUDGE NASH *sits.* CLERK *raps twice and everybody resumes their seats.*] Take off your hat!

VOICE. I'm not a boy—[*Laughs.*]

[GALWEY, *the* DISTRICT ATTORNEY, *who occupies the space between the table and the* JUDGE'S *bench, turns and walks up to the reporters' table and laughs and chats with the* REPORTERS. *Suddenly he stops talking and looks alertly to the right. The* SPECTATORS *also turn and look at the door at right. Through this open door-*

way MARY DUGAN, *the prisoner, comes accompanied by a* DETECTIVE. *She is fashionably dressed. A woman of about thirty; beautiful. As she walks thru the open doorway a crowd from the corridor surges after her but it is pushed back by the* COURT BAILIFF. *As the* GIRL *walks down the aisle the* SPECTATORS *start to leave their seats and crowd around her, but a sharp rap from the gavel used by the* COURT CLERK *restores them to order and they slink back in their seats. Walking beside the* DETECTIVE, MARY *makes her way down the aisle, thru the swinging gate and takes her place beside* ARTHUR WEST, *her attorney.*]

[WEST *is a man of about forty, grim, but with a flashing smile and great suavity of manner. As he is shaking hands with his client, the* DISTRICT ATTORNEY *hurries back and takes his place before the bench. He stands for a moment before speaking and then with a little bow to the* JUDGE.]

GALWEY. May it please the Court.

JUDGE NASH. [*Interrupting him.*] Just a moment, Mr. Galwey. There is a matter of sentencing Pauline Agguerro. [*The* DISTRICT ATTORNEY *sits.*]

CLERK OF THE COURT. [*In a singing voice. Rather mumbling his words.*] Pauline Agguerro to the Bar. Pauline Agguerro to the Bar.

[*Accompanied by her* LAWYER *and a* BAILIFF, *this prisoner is led before the* JUDGE. *She is frightened and glances about her fearfully.* MARY DUGAN *is watching her with intense interest. The* ITALIAN WOMAN *comes*

to halt before the JUDGE'S *bench. She is a pathetic figure as she stands looking up at the* JUDGE.]

JUDGE NASH. Pauline Agguerro. You have been convicted of killing your lover. Your trial was eminently a fair one and I have been unable to find mitigating circumstances. The sentence of the Court is that you be taken to the prison for women and placed in solitary confinement there—and that during the week of November 7th, you shall be taken thence and executed in the manner prescribed by the laws of this state.

[*The expression on the face of the prisoner has not changed. It is perfectly apparent that she does not understand a word that has been spoken to her.* MARY DUGAN *is leaning forward, her hands clasped on the table in front of her, watching this other prisoner. As the* JUDGE *finishes speaking the* YOUNG LAWYER *at the prisoner's side looks up at him.*]

LAWYER. May it please the court the woman does not understand English. With your honor's permission, I will translate. [JUDGE NASH *nods.*]

INTERPRETER. Pauline Agguerro— Voi siete rea di avere ucciso il vostro amante. Le leggi dello stato vi condammano a morire sulla sedia elettrica— Avete compreso? [SHE *shakes her head.*] Voi dovete morire! Vi uccideranno.

PAULINE. [*Screaming.*] NON E VERO— Non l'ho ucciso—sono innocente— Pieta! Pieta! Dio mio aiutami— Sono troppo giovine per morire. Marie Vergine aiutam!

[*She is dragged out screaming by a* POLICEMAN. *The gate clangs after her.*]

[*At a nod from the* JUDGE, DISTRICT ATTORNEY GALWEY *rises. His manner is brisk, business-like, his face almost casual. As he faces the* JUDGE, *he gives a little bow.*]

GALWEY. May it please the Court. Gentlemen of the Jury— [*Then after a short pause he turns to his table and picks up a file of papers which he looks at a moment before speaking.*] In the matter of People— [*Scream offstage.*] [*He lets file and papers drop rather dramatically onto the table.*] The People against Mary Dugan. That's a phrase I've been saying and hearing for so many years—the People against Nan Patterson— The People against Harry K. Thaw, and now the People against Mary Dugan. I have used that phrase so often that I've almost forgotten it's meaning —and—Gentlemen, it has a very deep one. The People of this State and, of course, of all other States, have become organized. They have made certain rules, which, for want of a better term, we call laws. They are based on good sense and have been made so that the vast number of human beings may live together with comparative safety and comfort and happiness—and while they obey these laws, the People are for you; but when you break them—then, Gentlemen, the People are against you. For the greater part of this prisoner's life, the People have been for her. They have guarded her and educated her. They have protected her health. They have watched over her hours of labor and they have even gone to the extent of guaranteeing that she should have adequate payment for that labor. But, now, the People of this state are against this girl. Fifteen mil-

lion people have turned on her, crying, "You have killed." [*Now this manner becomes more colloquial.* MARY *gasps*—WEST *calms her.*] Of course, it is impossible for the People to go any further in this matter as a People and so they have appointed me to represent them. My functions are clearly laid down and defined by law. I have been told to investigate this killing and if, in my opinion, this woman is guilty to place her on trial. I believe she is guilty, and I have brought her to trial. The People have gone further than this, however. They say to you, Gentlemen, it is impossible for us to hear all the evidence in this case, we, therefore, ask you to act in our place. You are to determine whether this woman is innocent or whether she is guilty, but only after you have heard all of the evidence. Even now the People have not given up its guardianship of this girl. For they have said to Judge Nash. [*Xes up C.*] Judge, it is your function to see that this girl is tried honestly and fairly. It is your business to determine whether in his eagerness to do his whole duty, the District Attorney does not overstep the bounds of what is right and proper. We have placed this woman on trial for her life. You see to it that she is tried fairly. [*Xes D. C. He pauses for a moment. Then speaking with greater emphasis, he leans once more toward the audience.*] And that, Gentlemen, is the exact meaning of this phrase we use so freely. The People against Mary Dugan. But for one thing there would be nothing about this case to differentiate it from hundreds of others. A jealous woman is charged with murdering her lover. Edgar Rice, the President of the National Securities Association, a multi-millionaire, was found dead in the

apartment of Mary Dugan, known professionally as Mona Tree, on the morning of Monday, April 19th. He had been stabbed in the back. Mr. Rice, a man of great wealth and of the highest social position, a married man, seemingly at peace with his wife and child and all the world, was the victim of the jealous rage of the woman he was keeping. Gentlemen, I go into this case with a heavy heart because the dead man was my friend. If it were in my power I would spare his memory and keep it clean, but that is not possible. Unknown to his wife and his friends this great financier, this man known through the country for his charities, was leading a secret and ignoble life, for which he has paid a terrible penalty. The defendant, Mary Dugan—what can I tell you about her? Known to nearly everyone in this city as Mona Tree, has been for several years an outstanding figure in the Follies, where her beauty and her charm made her universally popular. She is the girl who encouraged this man in his sin. Who dragged him down from the high place he occupied; and who finally brought him to a shameful death. A banker killed by his kept woman. [*He turns back toward his table as if he had finished, and, then with a fine imitation of the man who has just thought of one more word to say, he comes back toward audience.*] Before the witnesses for the State lay before you the shameful story in all its detail, let me set you on your guard—against this woman's youth and beauty and her terrible charm. Gentlemen, to you and me this woman is no different from that screaming wretch you saw dragged from this court room a few minutes ago. [*The* DISTRICT ATTORNEY *turns away from the audience and walks back to*

his table. There is a short pause as he looks over a written outline of his case, which lies before him. Whispers for a moment to one of his assistants. Then he looks up briskly. Nods to DR. WELCOME.]

[DR. WELCOME, *a middle-aged, well-dressed man rises from a row of seats just outside the railing and walks quickly to the witness stand. As he takes the stand, the* COURT CLERK *hands him a Bible.*]

COURT CLERK. You solemnly swear to tell the truth, the whole truth and nothing but the truth so help you God?

DOCTOR. [*Xes front of table. As he touches the book, speaking in a low tone.*] I do.

COURT STENOGRAPHER. [*Looking up.*] I didn't get that.

DR. WELCOME. [*Testily, in a loud voice.*] I said I'd tell the truth. [*He settles himself more comfortably in his chair.*]

GALWEY. Your name?

DR. WELCOME. James Welcome.

GALWEY. You are the medical examiner of the City?

[WELCOME *nods.*] And have been for how long?

DR. WELCOME. Thirty years. I was formerly the coroner's physician.

GALWEY. And—in that time about how many autopsies have you performed?

DR. WELCOME. I can't tell you accurately. I think about ten thousand.

GALWEY. In the course of your duties you performed an autopsy on the body of Edgar Rice. [WELCOME *nods.*] What was the cause of his death?

WELCOME. An incised wound which penetrated the heart.

GALWEY. Mr. Rice could not have died of shock, or disease or for any other reason?

DR. WELCOME. He could but he didn't. He died from a knife wound in the heart.

GALWEY. I mean did the man suffer from any organic ailments?

DR. WELCOME. No.

GALWEY. Then, in your opinion, his death was caused by a wound which penetrated his heart?

WELCOME. Opinion nothing, Mr. Galwey. The man was stabbed through the heart. Naturally he died.

GALWEY. [*As he sits down.*] That's all.

WEST. [*Without rising.*] No questions.

GALWEY. James Madison. [*To* DR. WELCOME.] That's all, Doctor.

[DR. WELCOME *rises and walks from the chair after giving a little bow to the* JUDGE *who smiles at him. He passes the next witness and walks out thru the swinging gate and out of the Court Room.* JAMES MADISON, *a colored boy, about twenty-five, walks briskly to the stand. Xes back to table.*]

COURT CLERK. [*As he holds out Bible.*] You solemnly

swear to tell the truth, the whole truth and nothing but the truth so help you God?

MADISON. Yes, sir. [*Takes Bible and in both hands. Holds it to his mouth and kisses it and hands it back. Sits down.*]

GALWEY. What is your name and occupation?

MADISON. James Madison. I am the night elevator man at the Park Gardens.

GALWEY. How long have you held that position?

MADISON. Three years.

GALWEY. You know the defendant?

MADISON. Who?

GALWEY. This woman. [*Points to* MARY.]

MADISON. Oh! Yes, sir.

GALWEY. She is a tenant in the Park Gardens?

MADISON. Yes, sir.

GALWEY. Do you know how long she has been a tenant there?

MADISON. About a year.

GALWEY. I suppose in that time you have seen her often.

MADISON. Every day, sir, nearly.

GALWEY. What can you tell us as to her habits?

WEST. [*Rising suddenly.*] Don't answer that question. [*To the Court.*] Your Honor, we object.

JUDGE NASH. Sustained.

GALWEY. I'll put it another way. About what time did the defendant usually come home? Early or late?

MADISON. Both. It was generally late at night and early in the morning. [*Laugh.*]

GALWEY. She usually came home early in the morning? When she came home early in the morning was she ever intoxicated?

MADISON. No, sir, never. Once in a while she'd be a little lit. [*Laugh.*]

GALWEY. Did she have many callers?

MADISON. No, sir.

GALWEY. Did she have any callers?

MADISON. Not what I'd call callers. Just the one gentleman.

GALWEY. And who was he?

MADISON. The gentleman she killed.

[WEST *starts to rise, but is stopped by* JUDGE NASH.]

JUDGE NASH. [*Turns to* COURT STENOGRAPHER.] Strike that out.

GALWEY. [*To* WITNESS.] You mustn't say what you think, only what you know. And of course you don't know that she killed this man. Do you?

WEST. [*Rising eagerly.*] I ask that the witness be instructed to answer that question yes or no.

JUDGE NASH. The witness will answer the question yes or no.

GALWEY. I withdraw the question.

WEST. I object to that, Your Honor.

JUDGE NASH. I think the witness may answer.

MADISON. What did you all want to know?

STENOGRAPHER. [*Reading from his notes.*] You don't know that she killed this man. Do you?

MADISON. No.

[WEST *grins and resumes his seat.*]

GALWEY. You say that Edgar Rice was a constant visitor?

MADISON. I didn't know his name was Rice. We all called him Mr. Tree.

GALWEY. And you knew the defendant as Mrs. Tree?

MADISON. Yes.

GALWEY. Did the defendant ever say that Mr. Tree was her husband?

MADISON. All the lady ever said to me in a year was "Good evening, James." [*Laugh.*]

GALWEY. Did the man you knew as Mr. Tree always come in with the defendant?

MADISON. No, sir. Sometimes alone.

GALWEY. When he came alone what did he say to you when he stepped into the elevator?

MADISON. "Good evening, James."

GALWEY. And that it all?

MADISON. Yes, sir. I don't think either of them were good conversationers. [*Laugh.*]

GALWEY. Do you remember the night of Sunday, April 18th?

MADISON. Yes, sir. Never can forget that night—

GALWEY. Why?

MADISON. That's the night the lady killed the gentleman.

WEST. [*Wearily.*] Oh—we object. [*Then he rises.*] On second thought, your Honor, I'll withdraw that objection. I'm only too eager to do anything that will bring this trial to a conclusion. A conclusion which my client will welcome most eagerly as any innocent woman would do.

JUDGE NASH. The Jury will disregard counsel's reason for withdrawing his objection.

GALWEY. On the night in question then, did the man you knew as Mr. Tree come to the apartment house, and, if so, as what time?

MADISON. About ten o'clock.

GALWEY. Did Mrs. Tree accompany him, or was he alone?

MADISON. Alone.

GALWEY. What did he say to you when he stepped into the elevator?

MADISON. That's one time he didn't say nothing at all.

GALWEY. Was he smiling?

MADISON. No, sir. He looked kinda ugly.

GALWEY. What did you do?

MADISON. I ran the elevator up to the third floor and

stopped. Then I opened the door and Mr. Tree got out.

GALWEY. When did you see him again?

MADISON. Never.

GALWEY. You never saw him again?

MADISON. No, sir.

GALWEY. Not even after he was dead?

MADISON. No, sir, Mmmn— [*Laugh.*]

GALWEY. Now, on that evening, when the man you knew as Mr. Tree came to the house alone, did you see Mrs. Tree at all?

MADISON. No, sir.

GALWEY. At any time?

MADISON. No, sir.

GALWEY. She did not get into your elevator at all on that night, either to go upstairs or down?

MADISON. No, sir.

GALWEY. You are sure that at no time that evening or during that night the woman known to you as Mrs. Tree rode in your elevator?

MADISON. I'm sure.

GALWEY. You swear to this?

MADISON. Yes, sir.

GALWEY. That's all. [*He sits down.*]

WEST. James—

MADISON. Yes, sir. [*Smiling.*]

WEST. [*Very friendly.*] It would have been possible wouldn't it, for Mrs. Tree to have used the stairway?

MADISON. No, sir—

WEST. It would have been possible for her to have left her apartment and come down the stairs and go into the street without your seeing her?

MADISON. I don't think so.

WEST. If you'd been at the top of the building when she came down the stairway and walked out into the street you wouldn't have seen her, would you?

MADISON. I never thought of that.

WEST. It is equally true in regard to her return, isn't it?

MADISON. Let me understand you good— You mean could she have went back into the building and went back up the stairs without my seeing her?

WEST. Exactly.

MADISON. Well, she could have.

WEST. Then you can't swear that she didn't do this?

MADISON. No, sir.

WEST. That's all. [MADISON *starts to rise.*]

GALWEY. Wait a minute, please. Was this young woman in the habit of using the stairway?

WEST. We object to the witness testifying as to what the defendant's habits were in this regard.

JUDGE. Objection sustained.

GALWEY. In all the time you have been employed in that

apartment house, did you ever see the defendant use the stairway?

MADISON. No, sir.

WEST. But she could have used the stairway without your seeing her?

MADISON. Yes.

WEST. That's all.

GALWEY. But, you never saw her use the stairway?

MADISON. No, sir. I never did.

GALWEY. That's all.

WEST. No more questions. [MADISON *Xes back of table stopped by* OFFICER—*bus. exit.*] [*Murmur.*]

GALWEY. [*Turns away from the witness, as the latter rises and walks out of the Court Room, and examines the papers on the table for a moment. Then he looks up.*] Inspector Hunt.

[ASSISTANT DISTRICT ATTORNEY *sends for easel.*] [*As this name is called* WEST *leans over and pats* MARY DUGAN *reassuringly on the shoulder.*]

[GALWEY *turns and speaks in an undertone to one of his assistants, who hurries out of court.* INSPECTOR HUNT, *in full uniform, rises from his seat and walks to the witness stand.* JUDGE NASH *gives him a casual nod of recognition.*]

COURT CLERK. You solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

HUNT. [*Taking Bible in right hand but not kissing it.*] I do. [*He sits. There is a perceptible pause before* GALWEY *speaks.* MARY DUGAN *shows more nervousness than she has hitherto shown and leans forward staring at the police officer, who looks back at her quite casually.* GALWEY *finally picks up a chair, moves it toward the witness stand and sits in it.*]

GALWEY. Inspector, just what is your position in the Police Department?

HUNT. I am the Inspector in charge of the Homicide Bureau.

GALWEY. What, as the Head of that Bureau, are your duties?

HUNT. Solving murder cases.

GALWEY. And—in the course of these duties, you were called on to investigate the death of Edgar Rice?

HUNT. I was.

GALWEY. [*Gets chair.*] Tell the Jury exactly what occurred in that case. From your own personal knowledge.

HUNT. About three o'clock in the morning of April 19th, I got a telephone call at my house. I was instructed to go to the Park Gardens and investigate the murder of Edgar Rice. I went up there at once and—

GALWEY. Just a minute, please, Inspector. You say you were instructed to go there. By whom?

HUNT. [*With a little smile.*] By the Commissioner.

GALWEY. You mean that the Commissioner of Police telephoned you personally about this case?

HUNT. Yes.

GALWEY. What did he say?

WEST. Object.

JUDGE NASH. As a police officer you were about to tell in detail of orders you received from your superior.

HUNT. [*Nods.*] Yes, Your Honor.

JUDGE NASH. I think I'll allow that.

HUNT. He informed me that Mr. Edgar Rice has been murdered and told me to report at the Park Gardens immediately.

GALWEY. I don't want a report of what he said. I want you to tell the Jury his exact words if you can remember them.

HUNT. He said, "Mike, all hell's broke loose up here. Come a-running." [*Laugh.*]

GALWEY. And you came a-running?

HUNT. Yes, sir.

GALWEY. Tell us what you found on your arrival at that apartment house.

HUNT. There were three people in the room. The policeman, the Dugan woman, and Mr. Rice. Mr. Rice was lying on the floor near the center of the room. He was dead.

GALWEY. Where was the defendant?

HUNT. She was sitting in a chair near the body.

GALWEY. What was she doing?

HUNT. Nothing. Just sitting there and looking at the dead body.

GALWEY. Did she say anything to you?

HUNT. No, sir. She seemed kinda dazed.

GALWEY. What did you do after that?

HUNT. I photographed everything.

GALWEY. [*Nods to* ASSISTANT. ASSISTANT *goes to pictures.*] Before you touched anything in the room?

HUNT. Yes.

GALWEY. You did this personally?

HUNT. Yes. I always do it when I can. Nothing gets by my camera.

GALWEY. As I understand it then, these photographs which you took with the aid of a flashlight were subsequently developed and enlarged?

HUNT. Yes, sir.

GALWEY. I offer them in evidence.

WEST. No objection.

JUDGE NASH. Admitted in evidence.

[*The* DISTRICT ATTORNEY *turns back and unties the string which ties the photograths together. He takes a large one up and places it on the easel.*]

[*It is an enlarged photograph of the greater part of a luxuriously furnished sitting-room. Well in the foreground of the picture is a figure of the dead man.* RICE *was a man of about fifty, well built and rather good*

looking. The figure is dressed in pajamas. Sitting on a chair at the other side of the room is the figure of the DUGAN GIRL. *She is bare-headed. She has on shoes and stockings and a very beautiful night-gown, over which has been thrown a rich fur coat. The night-gown shows dark stains of blood on it. The girl is sitting huddled in the chair, staring at the dead body.*]

[*As the picture is turned and placed on the easel, so that it is disclosed to view, the* DUGAN GIRL *gives a little cry of horror and buries her face in her hands. . . . Her* LAWYER *pats her reassuringly on the arm.*]

[*The* DISTRICT ATTORNEY, *after looking at the picture for a moment, walks very slowly up to it as if to get a closer view.*]

GALWEY. [*Over his shoulder.*] And that is what you saw when you first came into the room?

HUNT. Yes, sir.

GALWEY. [*After a pause. Pointing to the knife where it shows in the picture.*] And the knife was lying exactly where it is there now?

HUNT. Nothing was moved, Mr. Galwey. The photograph shows the scene exactly as it was.

GALWEY. Offered in evidence.

WEST. No objection.

JUDGE NASH. Admitted on evidence.

GALWEY. [*Gives a little nod and picks up another photograph which he places on the easel. This is a photograph of the* DUGAN GIRL, *alone, sitting. The figure is almost life size. The dark blood stains show very clearly on*

the fabric of her night-gown. Her fur coat, however, shows no stains.] You took this photograph also?

HUNT. Yes.

GALWEY. And are these bloodstains?

HUNT. Yes, sir.

GALWEY. Did the defendant make any protest at being photographed?

HUNT. No, sir. She just sat there looking at the dead man and sorta moaning and muttering to herself.

GALWEY. We offer this in evidence.

WEST. No objections.

JUDGE. Admitted in evidence.

[*The* DISTRICT ATTORNEY *then takes up another, a third photograph, and places it on the easel. It is a view of a handsomely furnished bedroom, containing, among other furniture, a double bed, which is tumbled and has been slept in by two people. On a chair beside the bed is a quantity of man's clothing neatly arranged.*]

GALWEY. This, I take it, is a photograph of the bedroom?

HUNT. Yes, sir.

GALWEY. It is offered in evidence.

WEST. No objection—

JUDGE NASH. Admitted in evidence.

GALWEY. [*He then turns and walks down to the witness stand again.*] After taking these photographs, Inspector, what did you do next?

HUNT. I picked up the knife, being careful, of course, not to touch the handle, and put it on the table. Later on I had it examined for finger prints.

GALWEY. What did it show?

WEST. One moment, please. Inspector, did you develop these finger prints yourself?

HUNT. No, sir.

WEST. We object. Testimony not competent.

JUDGE NASH. Sustained.

GALWEY. Inspector, under your instructions, however, the finger prints on the knife were developed and subsequently they were compared with the finger prints of the prisoner.

HUNT. Yes.

GALWEY. Did you ascertain to whom the knife belonged?

HUNT. Yes, sir. It belonged to the little lady.

GALWEY. You said a moment ago, that the prisoner was moaning and muttering to herself when you first came into the room. Could you understand what she said?

HUNT. Yes, sir.

GALWEY. What did she say?

HUNT. She kept saying over and over again, "Oh, my poor Jimmy, my poor Jimmy." [*Reaction from Court*].

GALWEY. Did you know to whom she was referring?

HUNT. No, sir.

GALWEY. Did you ask her if he was her lover?

WEST. Object.

JUDGE NASH. Objection over-ruled.

GALWEY. I ask you again—did you ask her if he was her lover?

HUNT. Naturally.

GALWEY. What did she say?

WEST. Don't answer that yet. Inspector, did you warn the defendant that anything she said could be used in evidence against her?

HUNT. We always do that.

GALWEY. Well, Inspector, what did she say?

HUNT. Nothing. [*Disappointed murmur from Spectators.*]

GALWEY. Later on did she make any statement at all?

HUNT. No, sir.

GALWEY. Was there any indication in the apartment that there had been any quarrel?

HUNT. Everything seemed orderly and proper. The place might have been the home of a married couple. [*Giggle from Spectators.*]

GALWEY. What did you do next?

HUNT. By that time we had a police matron there and we sent the prisoner in to bathe and dress.

GALWEY. Bathe?

HUNT. Yes. To wash off the blood stains.

GALWEY. There were blood stains on her body?

HUNT. Sure.

GALWEY. Where were they?

HUNT. On her right breast, thigh, and on both hands.

GALWEY. Right breast, thigh, and both hands— You kept the fur coat and the night-dress and the shoes and stockings she was wearing?

HUNT. Yes, sir. They were turned over to your office later on.

GALWEY. And this is the fur coat?

HUNT. Yes.

[*Murmur from Spectators.*]

GALWEY. And this is the blood-stained night-dress?

HUNT. Yes.

[*Murmur from Spectators.*]

GALWEY. That's all.

WEST. Inspector, you said just now that the apartment might have been occupied by a married couple. What did you mean by that?

HUNT. Well, it was neat and orderly. From the way Mr. Rice's clothes were arranged I figured he had taken his time about going to bed.

WEST. In other words, so far as you could see, Inspector, the apartment was occupied by a couple who were content and happy?

HUNT. Yes, I should think so.

WEST. There was no sign of disorder anywhere?

HUNT. No, sir.

WEST. I'll ask you to look at the photograph of the bedroom which the District Attorney has so obligingly left exposed. The bed in the photograph is exactly as you saw it when you went into the bedroom?

HUNT. Yes, sir.

WEST. It looks as any bed might that had been occupied by a married couple, living happily together?

HUNT. I don't know. I am a single man, myself. [*Mild laugh.*]

WEST. You have told us that the defendant said nothing to you when you questioned her?

HUNT. Yes, sir.

WEST. Now, as a matter of fact, didn't you ask her why she killed Rice?

HUNT. Why, yes, of course I did.

WEST. And what did she say to that?

HUNT. She said she hadn't.

WEST. How many times did you ask her this question?

HUNT. I don't know. Possibly two or three.

WEST. [*Leaving his place and walking right down until he is close to the witness.*] Now, as a matter of fact, Inspector, didn't you shout and yell at this girl and shake your fist in her face for nearly an hour, trying to get her to admit that she killed this man?

HUNT. You mean third degree stuff? No, sir, I didn't

think it was necessary. The case was open and shut. It didn't matter what she said.

WEST. [*Turns toward the* JUDGE.] I move that be stricken, out, your Honor, as unresponsive.

GALWEY. Your Honor, please, I think it was entirely responsive. Counsel asked a question which the witness answered to the best of his ability, explaining his reasons.

JUDGE. Objection over-ruled.

[*The* DISTRICT ATTORNEY *sits down.*]

WEST. [*Stands for a moment or two looking at the witness before he resumes his examination. Xes to* HUNT.] As head of the Homicide Bureau, Inspector, you are accustomed to making thorough examinations into murder cases?

HUNT. No, sir.

WEST. I asked you if you made thorough examinations.

HUNT. Yes, sir, thorough.

WEST. And you did so in this case?

HUNT. Yes.

WEST. Who occupied the apartment next to that in which the defendant lived?

HUNT. I don't know.

WEST. Did you inquire?

HUNT. [*Slightly flustered.*] No, I didn't regard it as necessary.

WEST. You didn't think it necessary to inquire if anyone had heard the girl cry out in her distress?

HUNT No, sir.

WEST. You didn't think it important to discover if anyone had heard sounds of a quarrel coming from that apartment?

HUNT No, sir.

WEST. Do you know now who occupied the apartment next to Miss Dugan?

HUNT No, sir.

WEST. Would it surprise you very much, Inspector, if I told you that I occupied that apartment?

HUNT. Yes, it would.

WEST. And you say that you are the Inspector in charge of the Homicide Bureau and have been for many years?

HUNT. Yes.

WEST. And you have exercised in this case your usual care in making investigations?

HUNT. Yes. [*Very much embarrassed.*]

WEST. [*With an unpleasant laugh.*] That's all, Inspector. [*He goes back to his seat and sits.*]

GALWEY. Inspector, in making these investigations you are governed by your experience and your expert knowledge of crime, are you not?

HUNT. Yes.

GALWEY. And because of that knowledge and experience you felt it unnecessary to make such inquiry?

HUNT. Yes.

GALWEY. You came into the room, you found the dead man; you found the defendant, half-naked, her clothing blood-stained, staring at the body. You found the blood-stained knife lying beside the body.

HUNT. Yes.

GALWEY. In your subsequent investigations you found no evidence to corroborate her claim of innocence?

HUNT. None.

GALWEY. And for reasons growing out of these discoveries you made no further investigations. That is the case, isn't it?

HUNT. Yes.

GALWEY. That's all.

WEST. Inspector. You say there were blood stains on my client's body?

HUNT. Yes.

WEST. I suppose they were photographed, too?

HUNT. Yes, they were.

WEST. What! You, a policeman took a photograph of my client when she was naked and when she was defenceless?

HUNT. Yes.

WEST. That's all.

GALWEY. You did this in what you considered the line of your police duty, didn't you?

HUNT. Yes, sir.

GALWEY. That's all.

WEST. In the line of your police duty! Under what rule of police regulations did you take this action?

HUNT. Under Rule 432, which says an officer should be eager and diligent.

WEST. Oh, I see! That is all.

[HUNT *leaves stand.*]

GALWEY. Captain Price! [PRICE *is sworn in and takes the stand. For a moment or two* GALWEY *pays no attention to the witness, but stands as if in deep thought, playing with the knife. Then with a sudden movement, he throws it toward the top of the table. It strikes on the point and sticks up quivering.* GALWEY *stands looking at it for a moment longer and then abruptly turns toward the witness.*] Captain, what is your position at Police Headquarters?

PRICE. I'm in charge of the Bureau of Identification. What is commonly known as the Bertillion Bureau.

GALWEY. You are a finger-print expert?

PRICE. Yes.

GALWEY. You are regarded as an authority on finger-print identifications?

PRICE. Yes.

GALWEY. How long have you been such an authority?

PRICE. Ten years.

WEST. [*Suddenly.*] If it will expedite this trial at all, your Honor, the defense admits that the witness is the foremost authority in this country on finger-print identification.

GALWEY. With all due appreciation of counsel's courtesy, I think I'll conduct the prosecution in my own way. Captain, in all your experience, have you ever found fingerprints of two different people that were identical?

PRICE. No. Never.

GALWEY. How many finger-prints have you examined?

PRICE. About two hundred thousand.

GALWEY. In all that number, no two were identical?

PRICE. No.

GALWEY. So that if you found finger-prints on a knife, for example, and subsequently discovered identical finger-prints made by a person's hand there would be no question but that that person had handled the knife?

PRICE. Not at all, Mr. Galwey, the finger-print science is an exact science. If the finger-prints from a person's hand correspond to the finger-prints shown on any article, it is absolute proof that that hand has touched the article in question. There is never any doubt about that.

GALWEY. [*Turns back to the table and draws the knife from the wood. Walks back to the witness and hands him the knife.*] You recognize this weapon.

PRICE. Yes. Inspector Hunt gave it to me for examination.

GALWEY. You found finger-prints on it?

PRICE. Yes.

GALWEY. What prints were they?

PRICE. The prints of three fingers of the right hand.

GALWEY. Subsequently you had photographs of these imprints made?

PRICE. I made them myself.

GALWEY. [*Turns from the witness and walks to the pile of photographs. Takes out a large one and places it on the easel. It is an enlarged photograph in sharp black and white of the prints in question. As he places the print on the stand he stands looking at it for a moment.*] This is the photograph you made?

PRICE. Yes, sir.

GALWEY. Subsequently you made finger-prints from the right hand of the defendant and photographed them in the same manner?

PRICE. Yes, sir.

GALWEY. Personally?

PRICE. Yes, sir.

GALWEY. [*Picks up a second photograph of finger-prints and places it on the easel beside the first. It can be plainly seen, even to the unexpert eye that the prints are the same.*] The finger-prints on the knife and the finger-prints on the right hand of the defendant are identical?

PRICE. Yes.

GALWEY. There can be no question then but what the knife was used by the defendant.

PRICE. None whatever.

GALWEY. That's all.

WEST. Captain, would you be able to determine from your expert knowledge, just how the knife was held?

PRICE. Yes.

WEST. This was clearly shown by the finger prints?

PRICE. Yes.

WEST. Show us.

PRICE. [*Takes the knife in his right hand and holds it so that the blade comes out from the hand between the little finger and the palm. He raises his arm so that the gesture can be plainly seen.*] Like that. [*As he holds the knife up* WEST *leaves his place and comes down to the witness stand. Holds out his hand for the knife, which the witness gives him. He holds it in his left hand for a few seconds, then walks to table, then sticks knife into table and laughs.* MARY DUGAN *smiles.*]

WEST. That's all, Captain.

GALWEY. That's all, Captain Price. [PRICE *leaves stand.*] [*Very decided manner.*] Dagmar Lorne!

[ASSISTANT DISTRICT ATTORNEY *goes after* FERNE *and* MAY.]

ATTENDANT. Dagmar Lorne. Dagmar Lorne.

DAGMAR. Y-yes. [DAGMAR *comes into Court Room. Sees* MARY.] Oh, Mona Darling, isn't this terrible, and what a perfectly sweet hat you're wearing. [*Stop to talk to* MARY, *and is shown chair by* GALWEY. *She is sworn and takes chair.—As she pulls dress down, giggle from* SPECTATOR.]

GALWEY. Miss Lorne, you are an actress and have been for some little time connected with the Follies Company?

DAGMAR. Yes, Mr. Galwey.

GALWEY. And know the defendant?

DAGMAR. You mean Mona? Well rather.

GALWEY. You know her well?

DAGMAR. Yes indeed. We have dressed together for several seasons.

GALWEY. You two occupied the same dressing room?

DAGMAR. There were other girls there too, of course, but Mona and I dressed at the same shelf.

GALWEY. Shelf?

DAGMAR. [*To* JUDGE.] He doesn't know about dressing rooms. Don't you love it?

JUDGE NASH. [*Rebuking her.*] I think perhaps, young woman, if you confine your remarks to the District Attorney it would be better.

[DAGMAR *pouts and turns away from the* JUDGE.]

GALWEY. Miss Lorne, I'm afraid I'll have to confess a certain amount of ignorance about theatrical dressing rooms. You won't mind explaining what you mean by shelf, will you?

DAGMAR. Not at all. You see—why a shelf's—a shelf—and there you are—and we dress at it— You see—

GALWEY. Thank you. That's very clear. [*Laugh.*] And when you were seated in front of this shelf, were you near the seat occupied by Miss Tree?

DAGMAR. I sat next to her.

GALWEY. So that for several seasons, you and the defendant sat in adjoining seats every night?

DAGMAR. Except Sundays.

GALWEY. Except Sundays, of course. Did you see Miss Tree outside of the theatre?

DAGMAR. You mean at parties and things like that?

GALWEY. Yes. Parties and things like that.

DAGMAR. Of course I did.

GALWEY. So that for several seasons you and the defendant have been on the most friendly terms?

DAGMAR. Yes. [*There's a short pause.*]

GALWEY. [*Slowly and impressively.*] Miss Lorne, did you know Edgar Rice?

DAGMAR. Yes.

GALWEY. What sort of a man was he?

DAGMAR. Rice? . . . He was a pudding. . . . [*Spectators shout with laughter.* JUDGE NASH *strikes his desk sharply with his gavel. The laughter subsides.*]

JUDGE NASH. If there is any more of that, I shall order the court room closed. Proceed Mr. Galwey.

GALWEY. Did you see Mr. Rice a great deal?

DAGMAR. Yes.

GALWEY. How often? In the last year, say?

DAGMAR. I couldn't tell you, but very often.

GALWEY. Often enough to be intimate with him?

DAGMAR. [*Turning indignantly to* JUDGE NASH.] Judge, do I have to submit to these insulting questions?

GALWEY. No one has insulted you, Miss Lorne.

DAGMAR. Don't you call it insulting asking if I were intimate with Mr. Rice?

VOICE. Did you get that?

JUDGE NASH. [*Leaning forward with a suppressed chuckle.*] I think, Miss Lorne, you misunderstand. What the District Attorney meant to ask you was if you knew Mr. Rice very well.

DAGMAR. Pardon. My error.

GALWEY. Miss Lorne, you knew Mr. Rice intimately?

DAGMAR. Oh, yes, indeed.

GALWEY. What sort of a man was he?

DAGMAR. He was distinctly a dumb bulb. [*She sees the look of puzzlement on the* DISTRICT ATTORNEY'S *face.*] I mean he was solemn, dull. I guess he was all right in a business way.

GALWEY. You saw him frequently in company with the defendant?

DAGMAR. Oh, yes, I never went out with him.

GALWEY. And what was his attitude toward her?

DAGMAR. Dumb. If you get what I mean. Mr. Rice spent a lot of money but he told the same stories all the time. I mean he was a good entertainer, but not entertaining.

GALWEY. Do you think he bored the girl he knew as Mona Tree?

DAGMAR. My God, yes.

GALWEY. You knew—that he was keeping her, didn't you?

DAGMAR. I knew they were awfully good friends.

GALWEY. You'd been to her apartment?

DAGMAR. Oh yes, I ran in and out all the time.

GALWEY. And you'd seen his clothing and belongings about the place?

DAGMAR. I suppose so.

GALWEY. And seeing these things, you still say he was her friend?

DAGMAR. Well, of course, Mr. Galwey, there are degrees of friendship.

GALWEY. I see. And, in the many times that you were with Mr. Rice and the defendant, what was their manner toward each other?

DAGMAR. They acted like ladies and gentlemen.

GALWEY. Did they ever quarrel?

DAGMAR. Mr. Galway, we don't quarrel with our heavy sugar.

GALWEY. Heavy sugar?

DAGMAR. Don't you call a man who gives us a thousand dollars a week rather heavy?

WEST. I object to that!

JUDGE NASH. Objection over-ruled.

WEST. Exception.

GALWEY. Miss Lorne, do you know of your own knowledge that Mr. Rice made the defendant an allowance of $1000 a week?

DAGMAR. Oh, yes, sir. She showed me the checks.

GALWEY. And, in addition to the thousand dollars a week, he made her other presents, did he not?

DAGMER. Oh, yes.

GALWEY. What, for instance?

DAGMER. Oh, jewelry, furs, and a Rolls.

GALWEY. He gave her a Rolls-Royce?

DAGMAR. Gracious, Mr. Galwey, you don't expect a girl to go to Hell in a wheel-barrow, do you? [*Laughter which comes with this reply.*]

GALWEY. Did you know the defendant was saving her money?

DAGMAR. Yes.

GALWEY. Had she set any limit as to the amount she wanted?

DAGMAR. Not exactly. She said that in a year or two she'd have all the money she needed.

GALWEY. Then she regarded her relationship with Mr. Rice as a business affair?

DAGMAR. [*She turns with a beaming smile toward the audience*]. He thinks we love men like that. Wouldn't that slay you?

JUDGE. [*Raps sharply on his desk.*] The witness will confine her remarks to the court.

GALWEY. Did she ever say what she'd do if he should leave her?

DAGMAR. No, sir.

GALWEY. From your knowledge of her, what do you think she would have done if he tried to leave her?

WEST. Object.

JUDGE NASH. Sustained.

GALWEY. Did you ever hear her make any threats against him? [*Interest from* REPORTERS.]

DAGMAR. Yes.

GALWEY. What was it?

DAGMAR. Once he came in drunk and she threatened to send him home to his wife.

GALWEY. In your intimacy with the girl, did she ever speak to you of a lover?

DAGMAR. She had no lover. Mona is a decent, self-respecting girl.

GALWEY. How can a woman who is openly the mistress of a married man be decent or self-respecting?

DAGMAR. By not cheating, Mr. Galwey.

GALWEY. Who is Jimmy?

DAGMAR. I don't know.

GALWEY. It has been shown here that when arrested the prisoner was in a dazed, hysterical condition, and in that condition kept calling for Jimmy; kept saying

"My poor Jimmy." Have you any idea to whom she was referring?

DAGMAR. Not the slightest.

GALWEY. That's all. [DAGMAR *starts to rise.*]

WEST. Miss Lorne, you say that you have known both Mr. Rice and Miss Tree intimately, and that they acted toward each other like a lady and gentleman should. Let's go a little further into that. What was her manner toward Mr. Rice?

DAGMAR. Sweet.

WEST. Just what do you mean by sweet?

DAGMAR. Well—she was kind and gentle—she was always polite to him, I mean she always laughed at the stories he told— She always seemed to be worried about his health.

WEST. How did he like that?

DAGMAR. He ate it up, of course.

WEST. That's all.

GALWEY. No more questions.

DAGMAR [*Turning to* JUDGE NASH.] Well, there's one question they haven't asked me.

GALWEY. What is it?

[JUDGE NASH *nods. With a beaming smile,* DAGMAR *turns toward the audience.*]

DAGMAR. I just wanted to say that I think this charge against Mona is perfectly idiotic. [*Leaves stand.*]

GALWEY. May Harris. [*Enter* MAY *and* FERNE. *The*

HARRIS *girl is entirely different type from the other two. She is equally well-dressed, however. She takes the stand and is sworn.*] Your name is May Harris and you are playing in the Follies?

MAY. No, sir. In the Scandals.

GALWEY. Oh, the Scandals! As I understand it, you are a close friend of the defendant's?

MAY. Yes.

GALWEY. As such, you knew Mr. Rice? Well?

MAY. Only as a friend of Mona's.

GALWEY. Do you recall an incident that occurred in the defendant's apartment at dinner, one night? An affair about a letter.

MAY. Yes.

GALWEY. Who was present on that occasion?

MAY. Mona, and myself, Ferne Arthur and Mr. Rice. And, of course, the butler.

GALWEY. The butler was present?

MAY. Yes.

GALWEY. Will you tell the jury exactly what happened?

MAY. I think the door bell rang, because I know the butler left the room. When he came back he had a letter in his hand. He was going to give it to Mona, but Mr. Rice took it. He looked kinda funny when he saw the writing on the envelope.

GALWEY. Did the defendant also see the writing?

MAY. Yes.

GALWEY. What did she do when she saw that writing?

MAY. [GALWEY *indicates* JURY.] She got very white and jumped up from the table and ran around to where Mr. Rice was sitting. She said "That's my letter. Give it to me."

GALWEY. [*Indicating* JURY.] What did Mr. Rice do?

MAY. When he saw Mona coming toward him, he got up too. He was very angry. Mona said, "That's my letter, give it to me." Mr. Rice shouted at her, "It's from a man. I'm going to read it." Then there was an awful row. Mona kept crying, "It's my letter. You shan't read it. You shan't read it. It's my letter. I won't let you." Mr. Rice got mad too. Of course, he was crazy jealous.

GALWEY. What did he say to her?

MAY. He said, "You're my woman and I won't have you getting letters." Then he started to open the letter.

GALWEY. What did the defendant do then?

MAY. She acted like a crazy woman. She picked up a knife from the table and ran at him. [GALWEY *points this for* JURY.]

[REPORTERS *attention—one rises.* WEST *rises.*]

GALWEY. A knife? And what did she say as she ran at him with the knife in her hand?

MAY. She cried, "If you open that letter, I'll kill you."

[REPORTERS *write very fast.*]

GALWEY. What happened then?

MAY. Mr. Rice threw the letter on the table and turned and went out of the room.

[WEST *talks to* MARY.]

GALWEY. Did he say anything as he went out?

[WEST *sits.*]

MAY. No, sir.

GALWEY. What was the defendant's manner when she made this threat to kill Mr. Rice?

MAY. She was in a terrible temper.

GALWEY. Oh—she had a temper.

MAY. An awful one.

GALWEY. After Mr. Rice had gone, what did the defendant say to you?

MAY. She picked up the letter, and she asked me to go home.

GALWEY. And, did you?

MAY. Certainly.

GALWEY. Now, will you tell us once more the exact words the defendant used in making her threat to kill Mr. Rice?

MAY. She said, "If you open that letter, I'll kill you."

GALWEY. You are sure of this?

MAY. Yes, sir.

GALWEY. About when did this happen?

MAY. April 9th.

GALWEY. How did you know it was April 9th?

MAY. It was my birthday.

GALWEY. Then, within two weeks before Mr. Rice's murder, you heard the defendant threaten to kill him? That is a fact, isn't it?

MAY. Yes.

GALWEY. That's all.

WEST. [*Rises.*] Miss Harris, you were at dinner when this scene occurred and it was from the table that Miss Tree picked up the knife?

MAY. Yes.

WEST. Was it a butter knife?

MAY. No sir. A carving knife, a small carving knife.

WEST. [*Xes to center.*] About how big was it?

MAY. It was a small carving knife. I suppose the blade was about six inches long.

WEST. And all this is very clear in your mind? You remember all the details?

MAY. Yes.

WEST. Miss Harris, what did you have for dinner that night?

MAY. Champagne. [REPORTERS *register humor of it.*]

WEST. What did you have to eat? Begin at the beginning of the dinner and tell us what you had to eat.

MAY. Oysters—after that soup.

WEST. What kind of soup?

MAY. I don't know. Some sort of a thick soup. Thick soup, I can't thay it.

WEST. And after that?

MAY. Chicken patties. Then I think we had an alligator pear salad.

WEST. You've forgotten a *roast,* haven't you?

MAY. I don't remember any roast. No, I don't think we had any roast.

WEST. Try and think. Are you sure there was no roast?

MAY. Yes. I'm sure there wasn't any roast.

WEST. All right. And, after the salad?

MAY. Just fruit and cheese and coffee. Mr. Rice never ate sweets.

WEST. You say you had champagne for dinner? Anything else?

MAY. Not for dinner. We had some cocktails before dinner.

WEST. Some cocktails? About how many?

MAY. Oh, not many. Five or six.

WEST. Had you been drinking at all during the afternoon, before dinner? I mean before you came to the apartment?

MAY. I don't remember.

WEST. And your mind is perfectly clear on what you had for dinner? Oysters, soup, chicken patties, alligator pear salad, cheese and coffee and fruit? Is that right?

MAY. Yes.

WEST. And no roast? You're sure of that now?

MAY. Yes. I'm sure of that.

WEST. [*Sharply.*] How does it happen then, Miss Harris, that there was a carving knife on the table?

[*Movement from* REPORTERS.]

MAY. I don't know.

WEST. Whereabouts on the table was it? This carving knife that you can't account for?

MAY. I don't remember.

[REPORTERS *resume writing.*]

WEST. Did you see it before Miss Tree picked it up, as you say she did?

MAY. I didn't notice it.

WEST. So all you remember it what you want to remember?

MAY. W-w-well—

WEST. That's all.

GALWEY. No questions. Ferne Arthur [*As* MAY *rises and leaves the stand there is a noise in the Court Room as* DUGAN *is stopped by* ATTENDANT *at the gate.*]

DUGAN. It is important that I see the defendant. Mary, Mary!!

MARY. Jimmy!

GALWEY. Jimmy!

MARY. [*In* DUGAN'S *arms, sobbing.*] Jimmy, you must go away. You mustn't stay here.

DUGAN. Of course, I'll stay here, my dear. That's what I came for.

JUDGE NASH. [*Silencing court.—As* MARY *is seated.*] What is the meaning of this?

DUGAN. May it please the Court, I ask your permission to remain with the defendant.

MARY. No—no you mustn't. I won't let you.

JUDGE NASH. What is your interest in this case?

DUGAN. I am the defendant's brother.

[*As chair is brought for* DUGAN, FERNE *is sworn and takes the stand.*]

GALWEY. Your name is Ferne Arthur?

FERNE. Yes, sir.

GALWEY. You were present at the dinner at the defendant's apartment on April 9th?

FERNE. Yes.

GALWEY. And did you drink?

FERNE. I never drink, Mr. Galwey.

GALWEY. How long have you known this Dugan girl?

FERNE. Several years.

GALWEY. Intimately?

FERNE. Yes, sir.

GALWEY. You heard the testimony of May Harris.

FERNE. Yes, sir.

GALWEY. So it's true that the defendant threatened to kill Rice?

FERNE. She did.

GALWEY. There was a carving knife on the table on that occasion?

FERNE. Yes, close beside her place at the table.

GALWEY. What was her manner when she picked up the knife?

FERNE. Deadly.

GALWEY. What do you mean by that?

FERNE. Her face was white and her eyes were blazing —she was wild with rage.

GALWEY. What did you do, if anything, when she rushed at Mr. Rice?

FERNE. I tried to stop her.

GALWEY. What did she do or say at that?

FERNE. She pushed me out of the way—"Get away from me," she shouted.

GALWEY. Then what did she do?

FERNE. She rushed at Edgar—Mr. Rice I mean, crying, "Put down that letter or I'll kill you." "I'll kill you if you read that letter."

GALWEY. And what did Mr. Rice do?

FERNE. He put down the letter and went out of the room.

GALWEY. What was the woman's condition when she made these threats?

FERNE. She was wild with rage.

GALWEY. Had you ever seen her in rages before?

FERNE. Many times.

GALWEY. That's all.

WEST. And you say you are a friend of the defendant's?

FERNE. Yes, I am. But I have to tell the truth, don't I?

WEST. That's all.

GALWEY. No more questions. [*As* FERNE *returns to her seat.*] Your Honor, please, there may be some delay of a moment or two before my next witness— [MRS. RICE *enters. Bus. facing* MARY; *and going to witness chair. Sworn.*] [*Much comment.*] I'm sorry but we shall have to ask you to remove your veil.

[*Very slowly the* WITNESS *raises her veil and throws it back over her hat. She is a woman of about 35, with a passionate red-lipped face. As she removes her veil,* WEST *gives a little start and leans forward in his seat. Then he sinks back again and fumbles with papers in front of him. His whole manner is that of a man trying to cover up a false move.*]

GALWEY. Your name, please.

MRS. RICE. Gerturde Rice.

GALWEY. You are the widow of Edgar Rice?

MRS. RICE. Yes.

GALWEY. How long had you been married to Mr. Rice?

MRS. RICE. Fourteen years.

GALWEY. Have you any children?

MRS. RICE. A daughter. She's twelve years old.

GALWEY. Mrs. Rice, I'm extremely sorry, but I shall have to go into very intimate details of your married life. At the time of his death, were you living with your husband?

MRS. RICE. No, sir.

GALWEY. When did you stop living with him?

MRS. RICE. About a year ago.

GALWEY. Why?

MRS. RICE. Because of that woman. His mistress.

[JIMMY DUGAN *half rises from his chair. He is nearly stunned by this testimony. He turns and stares at the girl, who nods her head miserably. The boy stifles a little groan.*]

[REPORTERS *attention to* JIMMY.]

GALWEY. But, until about a year ago, your married life was happy and contented?

MRS. RICE. Yes.

GALWEY. So far as you know, he had never been unfaithful to you until that time?

MRS. RICE. Never.

GALWEY. Then, as I understand it, until you discovered his illicit relations with the defendant, you had lived a normal, contented, happy life?

MRS. RICE. Yes.

GALWEY. In every way?

MRS. RICE. In every way.

GALWEY. He was a kind, indulgent husband?

MRS. RICE. Yes.

GALWEY. How did you discover that he had a mistress?

MRS. RICE. He had been away from home a good deal and then a friend told me.

GALWEY. What did you do when you discovered his infidelity?

MRS. RICE. I locked the door between our rooms.

GALWEY. What did your husband say to you when he had found that you had done this?

MRS. RICE. He asked me why and I told him.

GALWEY. What did *he* do then?

MRS. RICE. Please, Mr. Galwey, I'd rather not answer that question.

GALWEY. I'm sorry, Mrs. Rice, but I'm afraid I shall have to insist.

MRS. RICE. He cried. He was terribly upset. He said he couldn't help himself.

[*At this point young* DUGAN *raises his head and sits staring at the witness. He leans forward in his seat as if to drink in every word she speaks.*]

GALWEY. Did he say that he was in love with this girl?

MRS. RICE. He said he didn't know what it was. That he couldn't keep away from her.

GALWEY. Then what did you do?

MRS. RICE. I begged him to give her up. I spoke to him about a friend of his, the president of a bank, who had lost everything he had in the world over the same sort of an infatuation.

GALWEY. Did you discuss the matter with your friends or with your lawyer after that?

MRS. RICE. No. My husband and I had talked it over and I decided on account of my little girl not to do anything.

GALWEY. So that as far as the outside world was concerned your married life went on as before?

MRS. RICE. So far as the outside world was concerned. Yes.

GALWEY. But you each had your own apartments?

MRS. RICE. Yes.

GALWEY. Did you make any further effort to get him to break off this illicit relationship?

MRS. RICE. Not then.

GALWEY. Did you ever?

MRS. RICE. Yes.

GALWEY. Do you remember exactly when you made your second attempt to get him away from this woman?

MRS. RICE. Yes, I— [*The* WITNESS *breaks down and begins to sob.*]

GALWEY. I'm terribly sorry, Mrs. Rice. Take your time before you answer that question.

MRS. RICE. What was your question please?

GALWEY. I asked you, Mrs. Rice, if you could remember exactly when it was you tried again to make your husband give up this woman?

MRS. RICE. It was the night he was killed.

[*Gasp from* MARY.]

GALWEY. About what time was this?

MRS. RICE. Just after dinner.

GALWEY. Your husband had dined at home that night?

MRS. RICE. Yes.

GALWEY. How did the matter happen to come up again?

MRS. RICE. Something my daughter said at dinner. She looked up at us both in the strangest way and said, "What's the matter? Don't you two love each other any more?"

GALWEY. What did you say to that?

MRS. RICE. Why, we both laughed. Edgar got very white and said: "Why yes, of course we do," and he looked at me in the queerest way. Then after dinner he said he wanted to speak to me about something very important. Then we went up into my sitting room—and then when we got up there, he asked me if I'd forgive him.

GALWEY. What did you say to that?

MRS. RICE. I asked him just what he meant by that. He took me in his arms and cried and said he'd been a fool and that I was the only woman he'd ever really loved; and that he wanted to come home.

GALWEY. And what did you do?

[*The* WITNESS *cries again. They are several moments before she becomes calm enough to speak.*]

MRS. RICE. [*Speaking between her sobs.*] I kissed him and told him that he was home. [*She breaks down again and cries.* MARY *turns and talks hurriedly in an undertone to* WEST, *who shakes his head in negation of what she's saying. At that she turns and talks eagerly to her brother.*]

GALWEY. And this happened on the night he was killed?

MRS. RICE. Yes.

GALWEY. Did you know that he was going to this woman's house?

MRS. RICE. Yes.

GALWEY. Did he go with your consent?

MRS. RICE. [*With a wail of anguish.*] God help me, I sent him.

GALWEY. You sent him to the house of his mistress? Why?

MRS. RICE. Because I wanted the thing ended. I wanted him to go and tell her he didn't love her any more. He promised he'd tell her I was the only woman he'd ever really loved.

GALWEY. So that when he left the house you expected his early return and the beginning of a new life together?

MRS. RICE. Yes. [*Breaks down and cries.*]

GALWEY. That's all. Your witness, Mr. West.

[*As the* DISTRICT ATTORNEY *sits down,* MARY DUGAN *leans forward and talks eagerly to* WEST. *At her urging, he rises slowly and faces the witness. For a moment he and* MRS. RICE *stare at each other across the heads of those seated between them. Then, with a sudden change of manner, he turns away from her.*]

WEST. No questions, Mr. Galwey.

DUGAN. [*Turns and looks at the attorney with great astonishment. So does* MARY.] What? [*At this interrupting the* DISTRICT ATTORNEY *turns sharply away from the witness and looks at the two men.*] [*In a very low tone.*] You're not going to cross-examine her?

[WEST *shakes his head.*]

WEST. No. I'm not.

DUGAN. [*More loudly.*] You are going to let this testimony go unchallenged?

WEST. [*Almost becoming audible.*] I must conduct this defense in my own way. You mustn't interfere with me.

MARY. Everything she said was a lie— [*Eagerly.*] But don't you see, Mr. West—

DUGAN. You won't expose her lies—

[JUDGE NASH, *who has been watching and listening to this scene with astonishment, raps sharply on the desk with his gavel. As he does so,* DUGAN *stops talking and turn toward the* JUDGE. MRS. RICE *hastily covers her face with her veil.*]

JUDGE NASH. Gentlemen, what is the meaning of this?

[WEST *rises, as does* DUGAN. *They stand side by side facing* JUDGE.]

WEST. If your Honor, please, I cannot have my carefully planned defense of this young woman interfered with.

DUGAN. May it please the Court, I think it high time that some one did interfere. I regard the failure of counsel to cross-examine this witness as a most outrageous dereliction of duty.

WEST. With all allowances for the youth and very natural feelings of the defendant's brother, I must insist on conducting this defense in my own way.

DUGAN. I can only state again that I regard counsel's failure to cross-examine—

WEST. I cannot, with all due deference to the Court be interfered with by a boy.

DUGAN. You mean you will not allow me to aid in the defense of my own sister?

WEST. As long as I am acting for the defendant I must conduct the case as I see fit.

DUGAN. My sister insists that— Your Honor, we both feel that this testimony has been too damaging—

WEST. If it please your Honor, it is perfectly apparent that the defendant is placed in jeopardy by the interference of this boy. Unless I can proceed without further hindrance I must respectfully ask to be allowed to withdraw from this case. [*During this speech* DUGAN *has been whispering to his sister. He rises suddenly.*]

DUGAN. Your Honor, I am an attorney at law. A member of the firm of Hayes, Black and Hayes of San Francisco. If there is any doubt of any statement a telegram to San Francisco will establish the truth of it. I ask permission of the Court to act for my sister in this case.

GALWEY. [*Pouring oil on the troubled waters.*] I think, your Honor, that the prisoner should be thoroughly enlightened as to the serious results which may come from this sudden change of counsel.

JUDGE NASH. [*He turns more toward* MARY.] Young woman, for your own guidance, the Court desires to state that he believes the defense has been conducted most ably and that he personally can see no justification for the contemplated change in counsel. It would be most unfair of the Court not to warn the defendant and to remind her that she is on trial for her life and that the entrusting of her defense to a young, comparatively inexperienced attorney is a grave thing to contemplate. With this warning in mind, do you still wish to make this change?

MARY. Yes, sir— Yes, sir, please.

[*Slight murmur.*]

[JUDGE *nods.*]

WEST. I think if the Court permits it, it is most proper that I should withdraw from this case and I would like to take this occasion to thank your Honor for the commendation he has just offered for my efforts in the prisoner's behalf. May I ask that the Court's remarks be embodied in the record of this trial?

JUDGE NASH. They are so embodied, sir.

WEST. I thank your Honor. [*Then, without looking at* MARY *or her brother,* WEST *turns and picks up his hat and walks out of Court. There is a long pause as the* SPECTATORS *and others in the Court Room once more become settled.*

DUGAN. [*Has remained on his feet thru this time and now turns quickly toward the witness, who is still on the stand. He then for the first time notices that she has once more covered her face with her veil. He comes very close to her and stands staring for a moment at the veiled figure before him. Then he turns sharply toward the* JUDGE. *Very sharply.*] I ask that witness be again instructed to uncover her face.

[MRS. RICE *very slowly removes her veil in the same manner as she did before. She tries to look* DUGAN *in the face but her glance wavers. She is swaying in her seat.*]

JUDGE NASH. Mrs. Rice.

DUGAN. You seem ill, Mrs. Rice?

MRS. RICE. [*In a low voice.*] Yes. I'm not well.

DUGAN. You seemed well until a few minutes ago. Perhaps the air in this room, eh?

MRS. RICE. I don't know.

DUGAN. Surely you're not afraid of any questions I could ask you? [MRS. RICE *does not answer.*] It couldn't be that surely?

MRS. RICE. No, it's not that.

DUGAN. That's right. I'm glad of that. Because I'm quite harmless. You can see that, can't you? [MRS. RICE *does not speak.*] I beg your pardon. Perhaps you didn't hear my question.

MRS. RICE. I don't know what you want me to say.

DUGAN. Oh, the truth, dear lady, always the truth. [*There is a short pause.*] You do feel ill then?

MRS. RICE. Yes.

DUGAN. You seemed perfectly well and strong when Mr. Galwey was questioning you. Perhaps you can tell us all the exact moment you became ill.

GALWEY. [*Interrupting.*] Oh, what's the use of all that, young man? [*He turns toward the Court.*] If your Honor pleases, I'm willing to make all sorts of allowances for this boy, but really cross examination of this sort is childish and—

DUGAN. [*Interrupting him.*] All right. All right. I'll get on with it. [*He turns sharply to his sister.* GALWEY *sits on table.*] Mary, please stand up. [MARY *rises.*] Now come here. [MARY *comes toward him.*] No, closer.

[MARY *moves forward still further. He takes her sharply by the arm and pulls her into place directly before the witness stand so that the two women are face to face.*] Now, Mrs. Rice. Just what were your husband's words when he told you about this girl? Tell us right to her face what he said. [MARY *stands with her head erect looking right into the witness' eyes.* GALWEY *is a good deal puzzled by this sudden turn and watches the proceedings eagerly.* DUGAN *leans forward and does not take his eyes from the*

witness. MRS. RICE *tries to speak but does not say anything. There is a tense pause. Suddenly* DUGAN'S *voice crashes out.*] Well?

[MRS. RICE *gives a little cry and falls forward in her chair.* GALWEY *at once springs toward her, he is so rapid in his movement that it alone saves the woman from falling from the witness chair. He speaks to her in an undertone.*]

[DUGAN *moves back and stands beside his sister. As the* DISTRICT ATTORNEY *continues his conversation with* MRS. RICE, DUGAN *motions* MARY *to return to her seat, which she does.* DUGAN *watches her for a moment and then turns toward the witness once more. As he does so* GALWEY *stands upright and turns toward the* JUDGE.]

GALWEY. I am convinced, your Honor, that the witness is not able at this time to continue. I ask that we adjourn until tomorrow morning.

DUGAN. [*Turning toward* GALWEY.] You're sure she's ill?

GALWEY. Can't you see that for yourself?

DUGAN. [*With a charming smile.*] Well she seems upset.

GALWEY. [*Bitterly.*] She tells me it's the first time she's been in close contact with a lewd woman.

DUGAN. [*Turns sharply and stares at* GALWEY.] Oh, that's the way you want it, oh? [*He turns toward the court.*] We object to an adjournment at this time.

[*He turns and walks back to his seat without any further comment. There is an awkward pause.*]

JUDGE NASH. You are convinced, Mr. Galwey, that the witness is in no condition to go on.

GALWEY. It seems perfectly apparent, your Honor.

JUDGE NASH. I think so too. We will adjourn until tomorrow morning.

DUGAN. [*Instantly on his feet.*] It is understood, sir, that the witness will then be ready for the cross examination?

GALWEY. That is my understanding.

DUGAN. Is it yours, Mrs. Rice?

MRS. RICE. Yes.

CLERK OF THE COURT. Court is now adjourned till ten o'clock tomorrow morning, ten o'clock tomorrow morning. Everybody rise. [*Lights down.*]

COURT ATTENDANT. Everybody clear the Court Room.

[*Everybody on stage rises.* JUDGE *exits up left.* SPECTATORS *exit up off right.* CLERK OF COURT *and* STENOGRAPHER *gather up papers and exit up L.* PRESS PEOPLE *and* ATTORNEYS *gather up papers, briefs, etc. and exit off right talking among themselves, except* DISTRICT ATTORNEY.]

[GALWEY *exits up L. with* MRS. RICE.]

[*All other witnesses exit off Right. By the time the Court Room is nearly cleared a* COURT ATTENDANT *has* MARY DUGAN *at the door of the prisoners cage.* JIMMY

DUGAN *goes over to her and kisses her, then stands watching her as she exits with attendant thru the cage. Then he takes one last look around the Court Room, picks up his hat and papers and exits hurriedly off right. As he leaves stage lights dim.*]

NO CURTAIN

LIGHTS DOWN TO HALF

ACT TWO

ACT TWO

While lights are still dim STENOGRAPHER *enters from up L., places papers etc. on judge's bench then goes to own desk. He is followed by the* CLERK OF THE COURT *who enters up L., and the* WITNESSES, INSPECTOR HUNT, CAPTAIN PRICE *and the* ITALIAN LAWYER *who enters from R., immediately followed by the* REPORTERS *and* SPECTATORS. *The* STENOGRAPHER *comes down C. and meets* GIRL REPORTER *and talks with her for a moment. As he turns to his desk lights come up full and* GALWEY *enters from up L.*

GALWEY. What's the matter with you?

STENOGRAPHER. [*With a yawn.*] I was up all night. Reading the testimony to young Dugan.

GALWEY. How did he like it?

STENOGRAPHER. Not so much. He didn't say anything until I got through reading about her being Rice's mistress and getting a thousand dollars a week from him. He seemed kinda stunned at that and said, "Oh, my God." He looked terrible. Kinda white and drawn. [*Yawns.*]

GALWEY. You've been up all night? [*The* STENOGRAPHER *yawns.*] Want some one to take your place today?

STENOGRAPHER. [*Between yawns.*] No. I wouldn't miss it for anything. [STENOGRAPHER *yawns and goes back*

to his desk. As he does so, one of the REPORTERS *rises and moves down to the* DISTRICT ATTORNEY. GALWEY *grins at him and nods.*]

REPORTER. [*Taking a press dispatch out of his coat pocket.*] 'Morning, Bill.

GALWEY. 'Morning.

REPORTER. I've got some news about this bird from San Francisco. Wanta hear it?

GALWEY. Yes.

REPORTER. [*Reading.*] James Dugan well known here. Prominent socially. Plays Polo. Last year became a member of the firm of Hayes, Black and Hayes. Presumably bought his partnership. Has never practiced in Court here. Is very popular; good mixer. Nothing known about his legal ability. Single. Now in East Africa on hunting trip. Story follows. [*The* REPORTER *folds up paper and slips it back in his pocket.*] That's all we got yet. Any good?

GALWEY. Well,—it's interesting. Never tried a case, huh? Well, he's got his nerve. West was doing damn well, I thought. Looks bad for our little friend, huh?

REPORTER. Terrible.

GALWEY. There's only one thing that could make it worse—that's liable to happen. West would never have let that girl testify. This boy puts his sister on the stand— [*Laughs.*]

REPORTER. Exactly. [*He turns and walks back to his seat at the table. As he does so,* MARY *is brought into Court. There's the usual stir and rush to get near her.*]

[*The* COURT CLERK *slowly brings order out of the tumult with his gavel. As* MARY *comes in she looks around eagerly for her brother and face shows her disappointment at failing to see him. Quite alone she walks to her place and sits. She doesn't speak and she doesn't look up. She makes a lonely figure as she sits alone. Her head is slightly bowed and she looks straight ahead of her at the floor.*]

[*A moment later* JAMES DUGAN *enters the Court Room quickly and makes his way to his sister's side. As he comes to a stop opposite the girl he stands for a moment looking down at her bowed head. Then very gently he puts his hand on her shoulder and she looks up at him. As she does so, he smiles down at her. Then he stoops and kisses her very tenderly on the mouth. As he lifts his head from this salutation, his eyes meet those of the* DISTRICT ATTORNEY, *who gives him a brief, rather cool nod. Then he draws his chair closer to his sister and sits down. Just for a moment he turns and stares at the audience. He is still staring when the sharp sound of the* COURT CLERK'S *gavel brings everyone to their feet.*]

[JUDGE NASH *comes into court and takes his place on the bench.* ASS'T. DISTRICT ATTORNEY *gives letter to* GALWEY.]

COURT ATTENDANT. Court Attention!! [EVERYONE *stands.*] Hear ye—hear ye—hear ye— All yea who have business draw near—give attention and ye shall be heard. [EVERYONE *sits.*]

[*There is a rustling about the room and the usual noise of the Court settling itself. The audience is intent and all eyes are focussed on this boy who has*

come to his sister's defense in such a spectacular manner.]

GALWEY. [*As he rises.*] May it please the Court, I gained the impression yesterday that the defendant's new counsel had interposed in this case because previous counsel had waived the cross-examination of Gertrude Rice; and I presume that counsel is eager to begin that cross-examination this morning. I regret that this will not be possible. Mrs. Rice suffered a complete nervous collapse on arriving home last night. Her physician advises me that it will be impossible for her to appear in court for several days. [*He turns and picks up a letter from his table and turns once more towards the Court.*] I have here a physician's letter to that effect. [*He turns and holds it out to* DUGAN, *who rises, takes the letter, reads it and then drops it in disgust on the table in front of him.*]

DUGAN. I am of course anxious to proceed with the cross-examination of Mrs. Rice, but—

GALWEY. If the Court pleases I was about to suggest that we proceed with the trial, postponing the cross examination of Mrs. Rice until such time as she is able to appear.

DUGAN. I can see no objection to that, your Honor—provided I am allowed to interpolate and cross examine Mrs. Rice at any stage of the proceedings I see fit.

GALWEY. That is exactly what I was about to suggest.

JUDGE NASH. It is so understood. Proceed, gentlemen.

GALWEY. [*Suddenly his manner changes and becomes more brisk.*] The People rest.

[*He looks toward the audience with a most charming smile. Then his face hardens and he turns and looks at young* DUGAN *for a moment. The latter doesn't rise, but sits looking up at his adversary very coolly. Then, after a pause, the* DISTRICT ATTORNEY *resumes his seat. Young* DUGAN *leans over and whispers to his sister and pats her on the shoulder. Then he rises. He has no papers in front of him; no law books. He gives the impression of a man entering a battle without weapons. Then he turns rather sharply toward the* JUDGE.]

DUGAN. Move that the case be dismissed for lack of evidence.

JUDGE NASH. Denied.

DUGAN. Exception. [*There is a long pause.*] May it please the Court, Gentlemen of the Jury. [*He suddenly turns, and moves toward the footlights.*] I have been up all night listening to the stenographer read the evidence in this case. It is pretty terrible, isn't it? Just how terrible it is to me, you cannot understand at this moment; but later you will. After I'd heard the appalling testimony against my sister, I talked with her. She hasn't any idea who killed Edgar Rice—neither have I. When questioned by the police, she was quite frank. She told them everything that she could tell them. One thing she did keep a secret from them. The identify of this mysterious Jimmy, about whom she spoke so often. This mysterious person who wrote to her so often—and whose letters meant so much to her. I am quite sure the district attorney is terribly disappointed in finding that the mysterious Jimmy was only the girl's

brother. So, you see, it wasn't a lover after all that she cried over. Only a younger brother. And she will tell you herself why his letters meant so much to her. Why she cried over them—I know that when I heard all the evidence, bit by bit, piled up so eloquently and admirably by the District Attorney, I felt that there was no way out. What defense could I bring forward? My sister has no witnesses—I have no witness—I have only a certainty in my own heart that my sister didn't do this terrible thing. The fact of a blind faith and a great love isn't evidence. Is it? You will recall that each of the long line of witnesses who were sworn took the oath as follows: The clerk said to them—a little hurriedly, perhaps—"You solemnly swear to tell the truth the whole truth; and nothing but the truth." I think most of the witnesses—I will go further—all but one of the witnesses told the truth and nothing but the truth; but I don't believe that many of them told the whole truth. And this is what we want isn't it?—the whole truth. [*Xes to chair.*] I have been advised by a brilliant lawyer of this city that the cleverest thing Mr. West did in his conduct of this case was to waive the cross-examination of Mrs. Gertrude Rice. He said to me, "My boy, that woman has the sympathy of the jury—if you put that woman on the stand, handle her with gloves." [*Xes D. C. He stops and holds out his hands toward the audience.*] Gentlemen, I have no gloves. I said a moment ago I wanted the truth. I'm going even further than that. I want you to have the truth. I want to put before you every fact in this case and I tell you with perfect frankness that at the present time I have no defense for my sister. No defense beyond

her bare word. [*Back of chair.*] Now gentlemen, I can see but one way to prove her innocence and that is to fasten the guilt of this murder where it really belongs. I don't know where that is. I don't know who killed Edgar Rice—but let us bring these witnesses back again; let us go a little deeper and let us see, gentlemen, if between us we cannot discover who really did this thing. [DUGAN *moves chair back into place and stands for a moment.* DUGAN *whispers to* MARY *who Xes to stand.* REPORTER *whispers to others—and leans forward.*]

[*As* MARY *mounts the stand and stands waiting in front of witness chair,* JUDGE NASH *swings around in his swivel chair so that he is facing the girl. He watches her with a very keen and not at all impersonal interest.*]

COURT CLERK. [*Holding out the Bible.*] You solemnly swear, etc.

[MARY *takes up the Bible in her hand and moves it toward her lips, but does not actually kiss it.*]

MARY. [*Nervous.*] I do. [*Hands back the Bible and sits.* GALWEY *moves his chair a little closer to that occupied by the witness and sits looking intently at her. Young* DUGAN *comes forward a little and rests and half sits on the edge of the counsel table.*]

DUGAN. You understand exactly what the clerk of the court said to you just now?

MARY. Yes.

DUGAN. You have sworn to tell the truth and whole

truth and nothing but the truth. You understand that?

MARY. Yes.

DUGAN. What are you afraid of Mary—

MARY. I don't know.

DUGAN. Don't you know that if you're innocent there isn't anything to be afraid of? [MARY *nods.* DUGAN *Xes back to table.*] What is your real name?

MARY. Mary Elizabeth Dugan.

DUGAN. How old are you?

MARY. About thirty.

DUGAN. Where were you born?

MARY. In a tenement in West 4th Street.

DUGAN. You remember your father?

MARY. Yes.

DUGAN. He was a nice, kindly, indulgent father?

MARY. He was a drunken brute.

DUGAN. And your mother?

MARY. I don't want to talk about my mother. She died when I was fourteen.

DUGAN. So that at the age of fourteen, you were left without a father and mother?

MARY. Yes.

DUGAN. Have you any brothers or sisters?

MARY. Why, Jim, you know I have a brother.

DUGAN. And I am that brother?

MARY. Why, how funny. Of course you are.

DUGAN. So that at the age of fourteen you were alone in the world, except for your brother?

MARY. Yes.

DUGAN. How old was he at that time?

MARY. Eight.

DUGAN. Did you have any money?

MARY. No money.

DUGAN. What did you do with your brother?

MARY. I hid him so the Children's Society wouldn't get him.

DUGAN. And what luck did you have with that?

MARY. I didn't have any luck, they took him away from me.

DUGAN. This place they put your brother in, what was it like?

MARY. It was terrible—terrible.

DUGAN. Weren't they kind to him?

MARY. Yes, I guess so, but there were two thousand of them. Why, Jim, you might as well have been in prison. Can't you remember?

DUGAN. You say, I might as well have been in prison. How did that effect you?

MARY. I wanted to get you out.

DUGAN. And did you get me out?

MARY. Not for two years.

DUGAN. [*Xes to table—sits on it.*] I'm very much interested in knowing how you got your brother out, so we'll skip two years and come down to that time. What were you doing then? I mean to earn a living.

MARY. I was working in a department-store.

DUGAN. How much did they pay you?

MARY. Six dollars a week.

DUGAN. And out of this six dollars you paid your rent and for your clothes and for your food?

MARY. Yes.

DUGAN. Kinda hard work, wasn't it?

MARY. Kinda.

DUGAN. And all this time did you see your brother?

MARY. Every Sunday.

DUGAN. How did you get there to the Home to see him?

MARY. I walked.

DUGAN. And it was about this time when you were getting six dollars a week that you got him away from the Home. How did you do that, Mary?—How did you do that?

MARY. Somebody helped me.

DUGAN. A man?

MARY. Of course.

DUGAN. Why?

MARY. I had something he wanted.

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DUGAN. In what way did he help?

MARY. He got me a better place and he gave me a hundred dollars.

DUGAN. And what did you do with the hundred dollars?

MARY. I gave it to a lawyer to get you out.

DUGAN. And what did you give him in exchange for that $100?

MARY. I gave him what he wanted.

[*Smile from* GALWEY.]

DUGAN. Did you tell him you were only sixteen?

MARY. Of course.

DUGAN. He knew that you were a—inexperienced?

MARY. Yes.

DUGAN. What is the name of that man, Mary?

MARY. I don't want to answer that. He's a gentleman and now he's become the President of a Bank. Why, if a thing like that came out, it might ruin him.

[*Pause*—DUGAN *crosses to table.*]

JUDGE NASH. [*Leaning toward* MARY.] You say that the man who seduced you at the age of sixteen is a gentleman?

MARY. Yes, sir.

JUDGE NASH. I don't think the witness need tell the gentleman's name.

DUGAN. [*At table.*] How long did your intimacy with this man continue?

MARY. Two or three years.

DUGAN. Did he want to marry you?

MARY. My goodness, no. He had a wife and children.

DUGAN. Did you stop working?

MARY. No. He didn't think it was good for me to stop working. He said I was so young I might get into bad habits if I wasn't kept busy.

DUGAN. And during this period where was your brother?

MARY. He was in boarding school. [*Turns slightly toward the audience and smiles at them.*] It was just about that time I said to myself, "Here's where a Dugan goes up."

DUGAN. What did you mean by that?

MARY. I had an idea I was going to make a gentleman of my brother—an educated gentleman.

DUGAN. [*Leans on table.*] How did you try to do that?

MARY. After a couple of years, I moved him to a better school—and then to a still better one—and then I sent him out to California to college. [*She turns again toward the audience and talks to them very simply and earnestly.*] You see, if I'd kept him near me, he'd have found out about things.

DUGAN. Go on.

MARY. Then he went to law school.

DUGAN. And all this time the money you spent on this boy came from some man?

MARY. Yes.

DUGAN. Mary, if it hadn't been for your brother would your life have been what it has been?

MARY. I don't know. I guess so. I've thought about that quite a good deal. I think a girl gets kinda used to luxury. Still— Oh, I don't know—but I'll tell you one thing—if I'd hated every minute of it—last night would have paid me for everything.

DUGAN. I don't think you need go on with that.

GALWEY. [*With a little sneer.*] Oh, I think the girl can finish her fairy tale.

JUDGE NASH. Proceed.

MARY. Last night was just Hell for me. When my brother came to see me in the Tombs and he sat there without saying anything. He was just like chalk—he was all white and shaky. And then, for a moment—when I'd got through telling him about things, he didn't say a word—and I said to myself, "This is the finish"—

[*She is crying softly now she turns once more towards audience.*] And then—what do you think he did? He got up and came over to me and kissed me—I have been kissed a million times in my life, but I never had a kiss like that— Then he kinda gave me a little shake, and all he said was: "Well, kid, everything's Jake with me."

DUGAN. Did I say anything else to you?

MARY. You told me to tell the truth about everything.

DUGAN. How long had you been living as Rice's mistress?

[*Look from* GALWEY.]

MARY. About one year.

DUGAN. And before Mr. Rice— [*Repeat.*] Before Mr. Rice you had lived with other men?

MARY. Aren't you going to leave me a shred of reputation?

DUGAN. My God—do you think I want to ask you these questions? If I don't ask the District Attorney will. You have nothing to conceal. I want it all. Before you had lived with Rice there were other men?

MARY. Yes.

DUGAN. How many?

MARY. Four.

DUGAN. And most of them men of means?

MARY. Yes.

DUGAN. So that from the time that you were sixteen years old, there's always been some man in your life? Some man with money?

MARY. Yes.

DUGAN. And a good part of that money you spent on your brother?

MARY. Yes. But he didn't know where it came from.

DUGAN. Never mind about that, you spent a good part of this money on your brother?

MARY. Yes.

DUGAN. And I am that brother?

MARY. Yes.

DUGAN. [*Pause, Xes back to table.*] Were your relations with Mr. Rice happy?

MARY. Well enough. He was always kind and thoughtful.

DUGAN. Have you any idea about how much he spent a year on you, in addition to your allowance?

MARY. No. Mr. Rice never discussed money with me at all.

DUGAN. At no time?

MARY. Never.

DUGAN. Didn't he talk with you about money when he first asked you to become his mistress?

MARY. No.

DUGAN. How did it happen at that time?

MARY. I had known him about two or three weeks. One night, after the show, the stage-door keeper sent in word my car was waiting for me. I told him I hadn't ordered a taxi. He said, "I don't mean a taxi, Miss Tree. It's your own car." So when I went out there was a Rolls Royce and it had my initials painted on the panel of the door. I got in. I didn't ask where I was going and I was driven to the Park Gardens. When I got there the night clerk handed me a key to an apartment and I went up to it. When I went into the apartment I found that while I was at the theatre all my things had been moved there. Everything. I didn't see any one at first; but when I went into the dining room supper was waiting. There was Mr. Rice. After the butler left the room, he looked at me with a kind of a funny smile and said, "Do you like it, Mona?"

DUGAN. What did you say to that?

MARY. I said, "yes."

DUGAN. [*Xes around table.*] Mrs. Rice has testified that on the night of his death her husband had gone to see you for the purpose of breaking off his relations with you. Did he say anything to you about that?

MARY. No.

DUGAN. When he came to see you was his manner different in any way?

MARY. He was terrible! Terrible! He made an awful scene.

DUGAN. Had he been drinking?

MARY. No. But he was yelling and shouting and making threats.

DUGAN. What about?

MARY. He'd found out his wife was untrue to him—

[*Movement in Court*—REPORTERS *attention.*]

DUGAN. What's that? What did you say?

MARY. He'd found out his wife was untrue to him. He'd only just found it out that day.

DUGAN. When he was raging about his wife, how did he do it?

MARY. He yelled, at the top of his lungs, and he kept on yelling, louder and louder.

DUGAN. Could people living on the same floor have heard him?

MARY. I don't see how they could have helped it.

GALWEY. Object. Her opinion is not fact.

[REPORTERS *break attention.*]

JUDGE NASH. Sustained. If the witness knows that anyone heard the noise she can so state.

DUGAN. You feared he would be heard and tried to quiet him?

MARY. Yes. But I couldn't for a long time. He kept shouting that he was going to change his will. He said he was going to kick his wife out of the house.

DUGAN. Did he name the man?

MARY. No, he didn't. He was terrible about his wife; called her names and— He was walking up and down the room and shouting. Then he said he was going to change his will. He shouted, "I'll do it now. Get me some paper. I'll do it now."

DUGAN. Did he?

MARY. No. I made him promise to wait until morning, when he could talk to his lawyer. I wanted him to think it over. I thought he wasn't fair and—

GALWEY. Object. Immaterial.

JUDGE NASH. Sustained.

DUGAN. But he yelled very loudly that he was going to do this? Change his will?

MARY. Yes.

DUGAN. And because of something you said he did not make a new will at that time?

MARY. No. He put it off.

DUGAN. Then what happened?

MARY. He got more sensible. I told him he had his nerve to yell about his wife like that. What was he after all? He loved that; it was just the kind of opposition he wanted. He said he was a law unto himself and he could do as he liked; that no woman could do anything to him. I laughed at him and told him he didn't own me and that I'd do as I liked always. Well, of course, that took his mind off his troubles. He had me to conquer again. Finally we went to bed.

DUGAN. Now go on and tell us the rest of it.

[*Intense interest. No writing.*]

MARY. I don't know how long I'd been asleep, but he waked me. He was groaning and crying out that he was going to die. I was terribly frightened; I'd never seen him sick before. I didn't know what to do; but he told me to get him something at the drug store; that it was acute indigestion. He kept telling me not to call a doctor. I saw he was really in terrible pain and so I put on my slippers and a fur coat and ran out.

DUGAN. The elevator boy says you did not go out at all that night.

MARY. I used the stairs. I rang the bell, but he didn't start the elevator and I couldn't wait. I was awfully frightened. I ran down to the corner but the drug store was closed, so I went back to the house. I made up my mind that no matter what he said I was going to 'phone for a doctor. And when I got into the house I saw that the elevator was not on the ground floor so I ran upstairs. Please may I have a drink of water. [*There is*

a little pause while JUDGE *hands glass to* MARY. [*Resume writing.*] Thank you. [*She hands the glass back to* JUDGE.]

DUGAN. Now about the door of your apartment. Was it open? I don't mean unlocked, but open. Try to remember.

MARY. I can't. I can't remember anything about it. It must have been open.

GALWEY. Object. The witness has already testified that she can't remember.

JUDGE NASH. Sustained.

DUGAN. Anyway you went back to your apartment. What did you find then?

MARY. He was lying on the floor on his face and a knife was sticking out of his back.

DUGAN. Lying on his face with a knife in his back?

MARY. Yes. [*She stops for a minute and wipes her lips with the back of her hand. She is too harassed to think of the refinement of a handkerchief.*] I stared at him for a second—I didn't know what to think and—

GALWEY. Object. What the prisoner thought is immaterial.

[MARY *looks at* GALWEY *in a bewildered manner.*]

JUDGE NASH. Sustained.

DUGAN. [*Very drily.*] Tell the jury what you did.

MARY. I pulled out the knife. [*She stops for a minute.*

She is much shaken, but she speaks always simply and seemingly with perfect truth and honesty.]

DUGAN. What then?

MARY. I tried to lift him up, but I couldn't, so I sat on the floor and held him in my arms. His eyes were open and he was looking at me. I thought he wanted to say something, but he didn't. Nothing.

DUGAN. What did you do after that?

MARY. I can't remember. Not exactly. I must have telephoned for help to the police.

DUGAN. Didn't you call the servants?

MARY. There were no servants in the house at night. They all slept out. We were always alone at night.

DUGAN. Anyway, you telephoned to the police?

MARY. I think so. I tell you I can't remember exactly. It's awfully hazy after that. I know the police came into the room.

DUGAN. When Mr. Rice was talking about making a new will, did he say what he was going to do with his money?

MARY. He said he was going to leave it to me.

DUGAN. Did you believe him?

GALWEY. Object.

JUDGE NASH. Sustained.

DUGAN. [*At chair L. of table.*] You have very frankly said that you didn't love Mr. Rice. What was your feeling for him?

MARY. I was fond of him. He was good to me. I don't mean about money entirely. He was kind and thoughtful—and he talked to me almost as if I was his equal—about business and things that interested him.

DUGAN. [*Yes to* MARY.] And you swear you did not kill him.

MARY. I did not kill him.

[*Pause.* DUGAN *stands looking at his sister. Then he pats her hand in encouragement and turns to* GALWEY.]

DUGAN. Your witness.

[ASS'T DISTRICT ATTORNEY *whispers to* GALWEY *about will.*]

GALWEY. [*Sharp attention from* REPORTERS.] I'm very much interested in your trip to the drug store. You say you ran all the way there?

MARY. Yes.

GALWEY. And when you got there you found it closed? How did you know it was closed?

MARY. There weren't any lights there.

GALWEY. Did you try the door?

MARY. No.

GALWEY. Did you look through the window to see if anyone was in the back of the store?

MARY. No.

GALWEY. Did you ring the night bell?

MARY. I didn't see any night bell.

GALWEY. Did you look for one?

MARY. I didn't think of it.

GALWEY. How far from your house is this store?

MARY. On the next corner.

GALWEY. You pass it every night on your way home, don't you?

MARY. Yes.

GALWEY. Ever stop in there to buy anything that time of night?

MARY. No.

GALWEY. Why not?

MARY. It's never open then.

GALWEY. [*Very sharply.*] Ah, never open late at night?

MARY. I don't remember. [*Realizing contradiction.*]

GALWEY. I see. You were so afraid that Mr. Rice was dying that you ran all the way to the drug store to get help and you quite forgot to remember that it was never open at that time of night.

MARY. I was so frightened I didn't stop to think.

GALWEY. Why were you frightened?

MARY. I thought he might die.

GALWEY. You thought he might die. You mean before he could make that new will you told us about?

MARY. No—no, I didn't. I tell you he was terribly sick. I thought he was going to die.

GALWEY. So the thought of death was in your mind?

MARY. I don't know what you mean.

GALWEY. All right. You say he said he was going to leave you five or six million dollars?

MARY. That's what he said.

GALWEY. And you wouldn't let him? Is that what you want us to believe?

MARY. I got him to put it off. I was afraid he was going to be sick.

GALWEY. Had he ever had an attack of this sort before?

MARY. I don't know. I don't remember.

GALWEY. This was the first time you'd ever thought about his sudden death, then, when he was talking about making his new will?

MARY. I'd never seen him act like that before. It was terrible—terrible!

GALWEY. And you're sure he wanted to make a new will leaving you five or six million dollars and you wouldn't let him?

MARY. I told him to wait. Not to bother about it then.

GALWEY. Well, if you thought he was going to die, why didn't you let him make his will?

MARY. I wanted him to rest. I wanted to get him quiet.

GALWEY. It was more important to you to have him quiet than to let him make a will leaving you five or six million dollars?

MARY. I was scared about him. I didn't think about the money at all.

GALWEY. So you were scared and ran to the drug store. You've told us all about that. Did you see anyone on your way there?

MARY. No, sir.

GALWEY. Or on your way back?

MARY. No, sir.

GALWEY. Or going up or down the stairs?

MARY. No. No one.

GALWEY. Well, you came back to the apartment and you found Mr. Rice dead with a knife sticking in his back. Did you call for help right away?

MARY. I ran to help him.

GALWEY. And in order to help him you pulled the knife out. Is that the first thing you did?

MARY. I think so. I don't remember.

GALWEY. When you found he was dead. Oh, how long did you hold his dead body in your arms? How long did you hold his dead body in your arms?

MARY. I don't know.

GALWEY. Well anyway, after a while you made up your mind he was dead. Did you scream for help then?

MARY. I don't know. I can't remember.

GALWEY. There were other apartments on the same floor?

MARY. Yes.

GALWEY. Did you go to any of these apartments for help?

MARY. I don't think so. I can't remember. I was terribly frightened.

GALWEY. But if you thought Mr. Rice was dying wouldn't your first impulse have been to run to someone for help?

DUGAN. Object. Witness says she can't remember.

JUDGE NASH. Sustained.

GALWEY. So that you found Mr. Rice was dead; you didn't go to any of the adjoining apartments for help; you didn't cry out for help; no one heard you call out, and then after a time you called up the police and told them Rice had been murdered. How long did you hold his dead body in your arms?

MARY. I don't know.

GALWEY. Do you know the name they apply to women who sell themselves for money?

DUGAN. Don't answer that question. We object because—

JUDGE NASH. Objection sustained.

GALWEY. You say that at the age of sixteen you sold yourself for a hundred dollars. Well, you did, didn't you?

MARY. Yes.

GALWEY. And you have from time to time made what the automobile dealers call a resale, haven't you?

DUGAN. We object.

JUDGE NASH. I think he can ask that question.

DUGAN. Exception. The District Attorney knows that this is not a proper form of cross-examination.

[JUDGE NASH *raps for order.*]

GALWEY. Well, I'll put the question in another way. You understand, of course, that I wouldn't do anything in the world to hurt the sensibilities of a woman like you. You have, from time to time, lived as the mistress of other men—four, I think you said?

MARY. Yes.

GALWEY. Are you sure of the number? Sure it wasn't seven or perhaps eight?

MARY. Four.

GALWEY. How did you meet these men?

MARY. I don't remember.

GALWEY. Pick any of them up on the street?

DUGAN. Object. Witness declines to answer on the ground that her reply would tend to degrade and incriminate her.

GALWEY. We can't see, your Honor, how any reply the witness could make could possibly degrade her any more than she has already degraded herself. I think I have a right to know the methods by which she plied her trade.

DUGAN. We withdraw the objection.

GALWEY. Well?

MARY. What was the question?

GALWEY. I asked you if you picked up any trade in the street?

MARY. No, I never did.

GALWEY. Then all the men to whom you sold yourself were properly introduced? Is that it?

MARY. It's not easy to explain.

GALWEY. I can quite understand that. Perhaps I can help you. I'm always glad to help a lady. You told us most charmingly how you made your financial arrangements with the murdered man. Were the others, the four others as delicate? Or were they perhaps more business-like?—Oh, come now surely you can tell us that?

MARY. They were in love with me—and they wanted me to have things.

GALWEY. Oh, that's it. Now it's all perfectly clear; they loved you and they wanted to give you things!

MARY. Yes.

GALWEY. Mr. Rice paid you a thousand dollars a week. What did the others pay you?

MARY. I don't remember.

GALWEY. Oh, come now. Surely you can remember business details like that. Well, how much did they pay you?

MARY. It wasn't like that, at all. They took care of me and gave me things because they wanted to. There was

never any business arrangements. That would have been horrible.

GALWEY. Did you love any one of these four or five men?—Oh, come now. Did you love 'em? Any one of the four?

MARY. Yes.

GALWEY. Take money from him, too?

MARY. Yes. I loved everything he did for me. Every penny he gave me.

GALWEY. What was his name?

MARY. I won't tell you.

GALWEY. You know you can be sent to prison for not answering?

MARY. I'm in prison, now.

GALWEY. What became of this man you loved?

MARY. He got married.

GALWEY. Have you seen him since then?

MARY. He's never seen me since then.

GALWEY. I didn't ask you that, I asked you if you had seen him. If so where?

MARY. From a distance. Once I sat near him. In a theatre.

GALWEY. Did he see you?

MARY. No— He was too busy talking to his wife.

GALWEY. You didn't speak to him?

MARY. Of course not.

GALWEY. Are you still in love with this man?

MARY. Your Honor, do I have to answer that question? What possible difference can it make to anyone but me?

[JUDGE *about to speak.*]

GALWEY. I withdraw the question. But each of these five or six men. Oh, I beg your pardon, four. Four was the number, wasn't it? Each of these four men made you an allowance, or if not that, gave you money from time to time?

MARY. Yes.

GALWEY. Much money?

MARY. Quite a good deal.

GALWEY. And part of this money you sent regularly to your brother? You said you did, well, did you?

MARY. Yes— But he didn't know where it came from. When he was a little fellow, I told him his Grandfather had died in Ireland and left him some money.

GALWEY. And you say that in no case did you make a definite business arrangement with any of these men?

MARY. When a man marries, he plans to support his wife. That's how it was with—that's how it was.

GALWEY. Do you mean to tell me that the relationships you had with these men was like marriage?

MARY. Yes, just about.

GALWEY. Now don't you know, young woman, that your indecent unholy arrangements with these men was nothing at all like marriage? Marriage is founded on

love and respect. In your relationships with these men, you say they were in love with you. Did they think you were in love with them?

MARY. Of course.

GALWEY. And were you?

MARY. Not exactly in love.

GALWEY. Did you tell them that you were?

MARY. Well, they thought I was.

GALWEY. I didn't ask you that. I asked you if you told them that you were in love with them. Answer that question yes or no.

MARY. Yes.

GALWEY. When as a matter of fact, you were not? That's true, isn't it?

MARY. I expect so.

GALWEY. So, in order to hold these men who were keeping you, you lied to them about your feelings?

MARY. Well, don't you see—

GALWEY. I want an answer to that question. Did you or did you not lie to these men about your feelings?

MARY. No.

GALWEY. You have just stated that you told these men at different times that you loved them. Now, when you said that you loved them, weren't you lying?

MARY. I wouldn't call that a lie exactly.

GALWEY. It wasn't the truth, was it?

MARY. No, I suppose not.

GALWEY. Now, as a matter of fact, your declarations of love for these men were part of your trade, weren't they?

MARY. It wasn't a trade! Oh, my God, it wasn't a trade!

GALWEY. Oh, yes it was a trade. And lying was a part of it. You don't regard it as a lie to tell a man you love him when as a matter of fact you don't?

MARY. I don't think things you tell people to make them happy can be called lies.

GALWEY. Then you'd lie to make a man happy? The truth is you'd lie as an easy way to get money?

MARY. No.

GALWEY. And you'd lie to save your own rotten life.

MARY. No—no—no.

GALWEY. Now, as a matter of fact, young woman. Mr. Rice came to you that night, you found he was nervous, upset about something, you cajoled him into going to bed, his conscience wouldn't let him rest. He broke down and confessed to you that he was leaving you forever—

MARY. No, no.

GALWEY. —that his wife had forgiven him and he was going back to her. He tore himself out of your arms, left that unholy bed and started to dress. And you, wild with rage, followed him and stabbed him in the back!!!

MARY. [*In a wild burst.*] It's a lie! It's a God-damned lie!!

GALWEY. Well, you ought to know. You're an expert. No more questions.

DUGAN. Mary, stand up. Take that Bible in your hand. Do you swear to tell the truth, the whole—

GALWEY. The witness has already been sworn.—

DUGAN. I want her sworn for me. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MARY. I do.

DUGAN. Mary, did you kill Edgar Rice?

MARY. No, Jimmy.

DUGAN. That's all.

GALWEY. Just a minute. What church do you go to?

MARY. I don't go to any.

[PATRICK KEARNEY *enters.*]

[*Murmur.*]

GALWEY. That's all.

DUGAN. [*After whispered consultation with* KEARNEY.] That's all, Mary. [*In a loud voice.*] Gertrude Rice!

ATTENDANT. Gertrude Rice.

GALWEY. My young friend knows perfectly that Mrs. Rice is not able to be here. It was definitely understood that she was to be called later on.

DUGAN. Because she was ill?

GALWEY. Certainly because she was ill.

DUGAN. I'm sorry, because I particularly wanted at this time—

GALWEY. I am too, but I don't see what I can do about it.

DUGAN. But you will bring her here the first moment she is able to appear?

GALWEY. Of course.

DUGAN. Patrick Kearney. [KEARNEY *comes forward, is sworn and takes stand.*] Your name and occupation?

KEARNEY. Patrick Kearney. I am an operative with the Civic Detective Agency.

DUGAN. In pursuance with orders from me, what have you done today?

KEARNEY. Followed Mrs. Rice.

DUGAN. And what have her movements been today?

KEARNEY. She left her house at half-past nine this morning and drove to the office of the United States Steamship Lines.

DUGAN. And what did she do there?

KEARNEY. She purchased a ticket for herself on the Leviathan leaving tonight.

[GALWEY *rises.*]

DUGAN. Do you know this of your own knowledge?

KEARNEY. I stood next to her when she did it.

DUGAN. I ask that a warrant be issued for the arrest of

Gertrude Rice. Witness is trying to escape the jurisdiction of this court.

GALWEY. I'm sure there is some mistake. Mrs. Rice was certainly ill last—

DUGAN. Mrs. Rice was nothing of the sort. Anyone but an idiot could have seen that she was pretending—

GALWEY. Her physician says—

DUGAN. I don't care what her physician says. This woman is planning to escape to Europe. I want her here and if the District Attorney isn't conniving—

GALWEY. That's a lie—

JUDGE NASH. That will do! [*Rapping.*] Well, Mr. Galwey?

GALWEY. May it please the Court, I will do my best to have the witness in Court as speedily as possible.

DUGAN. If the District Attorney means what he says why doesn't he send a policeman out and bring that woman here?

JUDGE NASH. How soon do you think you can have the witness present, Mr. Galwey?

GALWEY. Within the hour.

DUGAN. Again I ask for a warrant for the arrest of Gertrude Rice!

GALWEY. I think the young man is unduly excited, your Honor.

DUGAN. I'm not in the least interested in what the District Attorney thinks. I want that woman on the stand!!!

JUDGE NASH. Again Mr. Galwey I ask when you can have Mrs. Rice here.

GALWEY. In an hour.

JUDGE NASH. This Court will take a recess for an hour.

[EVERYONE *rises.* JUDGE *exits up L. followed by the* CLERK, STENOGRAPHER, GALWEY, *an* ASSISTANT DISTRICT ATTORNEY. *The* SPECTATORS, REPORTERS *and* WITNESSES, *including* PATRICK KEARNEY *exit up R.* JIMMY *goes to* MARY *at the door of the cage and kisses her goodbye. The* COURT ATTENDANT *takes her out.* JIMMY *picks up his papers and exits hurriedly up R. As he leaves stages lights dim. One old man* SPECTATOR *is still sitting in spectators' section. As* JIMMY *exits, he gets up, walks slowly around court room, goes over to attorneys' table and sits down in chair occupied by* MARY DUGAN. *He takes sandwich out of his pocket and eats it. When he is finished he walks over to judge's bench, takes glass, fills it from water cooler, and drinks. Then he replaces glass and exits slowly off R.*

NO CURTAIN

LIGHTS DOWN TO HALF

ACT THREE

ACT THREE

SCENE—*The Same.*

TIME—*An hour later.*

CLERK OF COURT *and* STENOGRAPHER *enter up L. as a* COURT ATTENDANT *enters up R. followed by* JIMMY DUGAN *who goes over to stenographer's desk. Lights up.* GALWEY *enters from up L. with his* ASSISTANT, *as* SPECTATORS, REPORTERS *and* WITNESSES *including* DAGMAR LORNE, FERNE ARTHUR, MAY HARRIS, INSPECTOR HUNT, CAPTAIN PRICE, DOCTOR WELCOME, HENRY PLAISTED *enter up R. There is general talking in the court room which stops as* MARY *is brought on through the cage by an* ATTENDANT. JIMMY DUGAN *goes to her and helps her to chair.* COURT ATTENDANT *enters up left followed by* JUDGE NASH.

COURT ATTENDANT. Court attention! [EVERYONE *stands.*] Hear ye—hear ye—hear ye— All ye who have business draw near—Give attention and ye shall be heard.

[EVERYONE *sits.*]

GALWEY. [*Speaking with some embarrassment.*] I cannot account for this delay. Mrs. Rice assured me that it was all a misunderstanding and that she would be here.

DUGAN. I can quite understand the disquietude of the

District Attorney—but at the same time your honor there are limits and—

JUDGE NASH. I think perhaps Mr. Dugan we should make some allowances for traffic delays. We will wait a little longer.

[*Mumble of conversation.*]

[DUGAN *at once drops into a chair beside his sister. The* DISTRICT ATTORNEY *sends* ASSISTANT *out.* MARY *talks eagerly to her brother who nods from time to time at what she is saying. There is a general whispering in the Court Room.* DUGAN *leans away from his sister and speaks to a* YOUNG DETECTIVE *who is sitting beside him. The latter gets up and walks quickly out of the court.* GALWEY *turns nervously toward the door of the Court Room. Then he looks at young* DUGAN *and finally leans over and speaks to him.*]

GALWEY. I hope you don't think that I—

DUGAN. [*Interrupting him.*] Of course I know better than that.

GALWEY. That's generous. I'm sorry I had to go after your sister the way I did but—

DUGAN. [*With a grin.*] That's all right. You helped her case a lot. [GALWEY *looks at him in astonishment and shows a little chagrin.*] Oh, yes! Quite a lot.

[*A* COURT ATTENDANT *comes rapidly down and whispers to* GALWEY *who at once rises.*]

JUDGE. Mr. Dugan—haven't you a witness to put on the stand—while waiting for Mrs. Rice—

DUGAN. Yes—your Honor—Marie Ducrot. [*He turns*

and stands looking at MRS. RICE *who has just entered.*]

[*At the sound of this name* MRS. RICE *looks around nervously and after a moment exits unobserved by anyone in Court Room. The door of the court opens and* MARIE DUCROT *accompanied by the* DETECTIVE, DUGAN, *has just sent from the room enters. She is a middle aged rather stout woman and her face is flushed with excitement. Looking straight ahead she walks into the court. As she sees the* JUDGE *on the bench she stops suddenly and bobs him a deep courtesy. Then she pursues her way to the witness stand.*

[ASST. ATTORNEY *Xes to* GALWEY.]

CLERK. You solemnly swear to tell the truth, the whole truth and nothing but the truth so—

[MARIE *already has the small Bible in her hand and is holding it toward her lips when she sees* DUGAN *for the first time. She suddenly drops the Bible.*]

MARIE. Ah! Mon Dieu. [*Her voice rises to a scream.*] Ett iss Jimmee. My little Jimmee! [*She jumps down from the witness stand and rushes to* DUGAN *whom she seizes by the shoulders, draws to her and kisses loudly first on one cheek and then on the other. He is much embarrassed and as much surprised as she is. He stands and stares at her open mouthed.*]

DUGAN. Why, it's Marie.

[JUDGE NASH *leans forward watching the little scene with his gavel in his hand. He is too much interested to take any immediate action.* GALWEY *stares at the two with unaffected amazement.*]

MARIE. [*Ecstatically.*] 'Ow you have grown—you are

so beeg. [*She stands off and admires him.*] Ah, mon petit Chou!

GALWEY. Oh I object to conversations in French.

JUDGE NASH. [*With a chuckle of great amusement.*] I think Mr. Dugan you might translate it.

DUGAN. [*Much embarassed.*] She called me her little cabbage.

[*Big laugh.*]

[*Howls of laughter from the people in the Court Room.*]

[JUDGE NASH *raps violently with his gavel.*]

JUDGE NASH. [*As order is partially restored.*] Now what is the meaning of this?

DUGAN. I can only apoligize to the Court most abjectly. Marie was surprised to see me again. She remembers me in France.

MARIE. [*Takes the stand. She stops suddenly, looks down and sees the Bible on the floor. With a swift gesture she stoops and picks it up. Kisses it with a loud smack of the lips and hands it back to the astonished* COURT CLERK. *With a sweeping gesture.*] Voila! [*She seats herself definitely and turns seriously toward* DUGAN.]

GALWEY. Now that the performance is over perhaps we may continue.

STENOGRAPHER. Your name?

MARIE. Marie Ducrot.

DUGAN. [*Stands in front of the witness.*] Marie I want you to forget those days in France. This is what you

must remember. I am an advocat. A lawyer to whom you must always tell the truth. Do you understand that?

MARIE. Parfaitment—oui.

DUGAN. And you must speak to me in English, always. Never in French. Understand?

MARIE. Oui, M'sieur.

DUGAN. Marie, you have been employed as a maid by Mrs. Rice for how long?

MARIE. Maybe three years.

DUGAN. What kind of a mistress is she?

GALWEY. Object.

JUDGE NASH. Sustained.

DUGAN. I am merely trying to save the court's time. I can of course take a more roundabout method of getting at the facts. I wish however that the District Attorney would be patient with me. I am sure he is as eager to find out the truth in this case as I can be. However if he insists on this roundabout method—

GALWEY. I withdraw the objection. I take this opportunity of stating that the young man is quite correct in his views about me. My office is not set to convict—the innocent. But in this case like the man from Missouri I have to be shown.

DUGAN. That, Mr. Galwey, is what I'm going to do.

GALWEY. How very nice.

DUGAN. Marie, what kind of a woman is your mistress?

MARIE. Tout du cœur. What you call loving.

DUGAN. Was she happy in her home?

MARIE. Oh, yes.

[GALWEY *gives a short laugh of much amusement.*]

DUGAN. No quarrels. Think, now Marie, are you sure there were no quarrels?

MARIE. Ah, no. How could it be; they love each other so.

[GALWEY *turns deliberately around and grins in young* DUGAN'S *face.*]

DUGAN. [*In amazement.*] They loved each other?

MARIE. Most beautiful it was. Such tenderness, such kisses. Ah, Mon Dieu. [*She kisses her finger tips to the world at large.*] Parfaitment!

DUGAN. Do you mean to tell us that you never saw them quarrel?

MARIE. Nevaire. No sir. They love too much.

DUGAN. Remember you are under oath. On the night before the murder—you remember that night?

MARIE. I think so, yes.

DUGAN. And there was no quarrel on that night.

MARIE. How could there be. I myself saw when he went away—so tenderly, so sweet, so loving.

[DUGAN *stands looking at her in utter astonishment. Xes to* MARY. *Then he turns away from the witness. He is nonplussed and entirely at a loss. He has no idea in the world what to do next.* GALWEY *watches him with*

ill suppressed amusement. Then he turns and speaks to one of his assistants.]

GALWEY. [*In a perfectly audible voice; aside.*] They sometimes turn sour.

DUGAN. [*Turning angrily.*] I protest at these remarks.

JUDGE NASH. Mr. Galwey knows better. The jury will disregard any such comments.

GALWEY. I regret exceedingly that my voice has such carrying power. I was speaking to the Assistant District Attorney.

[DUGAN *pays no attention to this but is deep in a conversation with his sister. Finally he gives a little nod and goes once more to a place nearer the witness.*]

DUGAN. Marie, in what way did M'sieur show his love? Passionately?

GALWEY. Object to counsel's leading the witness.

JUDGE NASH. Sustained.

DUGAN. You said that there was such tenderness. Was M'sieur always tender?

MARIE. Always. Yes. It was beautiful.

DUGAN. Was he ever any thing but tender?

MARIE. No, no. It was like a story. Charming. Ah, such a wonderful love.

DUGAN. [*In utter despair.*] That's all. [*He goes back to his seat and sits staring moodily at the floor.* GALWEY *rises and with a smile of great assurance approaches the witness. He feels that he is about to make the defense witness his own most telling one.*]

GALWEY. [*With a gallant little bow.*] My compliments, Madame. You have been most clear in all you have told us.

MARIE. Merci, M'sieur.

[*He bows to her again.* GALWEY *is having a very good time of it. She beams on him politely. The utmost good humor prevails.*]

GALWEY. And in the three years you have been in the service of Madame Rice you have never seen her quarrel with her husband?

MARIE. [*In great astonishment.*] Pardon, M'sieur?

GALWEY. [*With some asperity.*] I asked you if you had ever seen Mr. and Mrs. Rice quarrel?

MARIE. Comment!

GALWEY. You said that you had never seen Mr. and Mrs. Rice quarrel.

MARIE. M. Rice!! Ah, I have a mistake; I did not know you were talking about her 'usband.

[*Murmur.*]

DUGAN. [*With a cry that is half laugh and half astonishment.*] A—a—ah! [*He leans forward and regards the witness with a beaming smile.* GALWEY *stares at her frowningly.*]

GALWEY. You did not think we were talking about Mr. Rice, then who— Never mind. [*He turns away from the witness and stalks back to his seat. Over his shoulder.*] That's all.

DUGAN. [*Very softly after a long pause.*] Marie, who did you think we were talking about?

MARIE. [*On whom the entire scene has been lost. Very placidly.*] —the other.

DUGAN. [*Xes to* MARIE.] Oh, the other. [*Murmur.*] So there was another?

MARIE. Why, of course. Why not?

DUGAN. Ah, true. Why not? And you say he was devoted and loving?

MARIE. Merveilleuse! What you call swell.

DUGAN. And this other one, had a name.

MARIE. But certainly. Smeese—John Smeese.

[*People in Court Room howl with laughter.*]

JUDGE NASH. [*Rapping with his gavel.*] This disorder must stop.

DUGAN. You are sure that is his name?

MARIE. Yes. Always Madame call him that when she speak to me.

DUGAN. And you are sure he was the lover of your mistress.

GALWEY. We object.

DUGAN. Does the court wish me to ask the witness how she knows this fact?

JUDGE NASH. I think we can take that for granted. Objection overruled.

DUGAN. You're sure he was the lover of your mistress?

MARIE. Yes.

DUGAN. Marie, do you know where this Mister Smith lives?

MARIE. No, Jimmee, I do not know.

DUGAN. What was his telephone number?

MARIE. I do not know.

DUGAN. Did you ever hear Mrs. Rice call him on the telephone?

MARIE. No sir—never.

DUGAN. Did you hear Mr. and Mrs. Rice quarrelling? Say on the night before the murder?

MARIE. No. I did not hear anything.

DUGAN. Do you know if they quarrelled?

GALWEY. Oh we object.

JUDGE NASH. Sustained.

DUGAN. Mrs. Rice has testified that she and her husband had settled their differences most amicably. I think I have a right to show that such was not the case.

JUDGE NASH. The witness has already stated that she heard no quarrel.

DUGAN. Did Mrs. Rice tell you that she and her husband had quarrelled—

GALWEY. [*Interrupting.*] Don't answer that question. Object.

JUDGE NASH. Sustained.

DUGAN. Did Mrs. Rice say anything to you about her husband that night? And if so what?

GALWEY. Object.

JUDGE NASH. I think I'll allow that question.

DUGAN. Well?

MARIE. No, nothing.

DUGAN. Did you see this Mr. Smith at the house that night?

MARIE. No, M'sieur.

DUGAN. But you said they parted so tenderly.

MARIE. That was the night before.

DUGAN. Did Mrs. Rice remain at home that night?

JUDGE NASH. Strike that out!!!

DUGAN. Did you see her before she left the house?

MARIE. Yes, sir.

DUGAN. How did she act at that time?

GALWEY. Object.

DUGAN. What did she say to you, if anything, before she went out?

MARIE. She told me not to be so slow; that she was in a hurry. She was upset about—

GALWEY. Object, incompetent and immaterial.

JUDGE NASH. Sustained.

DUGAN. Did she say why she was going out?

MARIE. No. Oh no. All she said was hurry—be quick—

DUGAN. Did you see her when she returned?

MARIE. But of course I was waiting for her.

DUGAN. Did Mrs. Rice tell you where she had been?

MARIE. No, sir.

DUGAN. What did she say to you?

MARIE. She said she was malade—what you call kind of sick. She told me to put her to bed.

DUGAN. Did you think she was ill?

GALWEY. Object as to the conclusions of the witness.

JUDGE NASH. Sustained.

DUGAN. What signs of illness did she show?

MARIE. One minute she was hot; the next she was trembling, cold. Shaking all over.

DUGAN. Which might have been signs of great excitement caused by a quarrel with her husband.

GALWEY. Object.

JUDGE NASH. Strike that out! ! !

DUGAN. Did you send for a physician?

MARIE. Madame would not let me. I asked her to, but she said no.

DUGAN. She was sick but she wouldn't let you send for a doctor?

MARIE. No.

DUGAN. That's all. [*Gets subpoena from* CLERK—*gives it to* KEARNEY. MARIE *starts to leave the stand.*]

GALWEY. Just a minute.

MARIE. Ah to be sure.

[GALWEY *then turns and walks toward the witness*

stand. DUGAN *has in the meantime returned to his place beside his sister who is holding his hand tightly clutched between hers and is talking to him in whispers.* GALWEY'S *manner is light, almost frivolous at the start of the cross examination.*]

GALWEY. Now let's see if we can't find out something more about this mysterious Smith. You say you don't know either his address or his telephone number?

MARIE. No, sir?

GALWEY. Well I can quite understand that. Perhaps you can tell us what he looked like?

MARIE. Charming, m'sieur. What you call nice.

GALWEY. That doesn't tell us very much. Was he tall?

MARIE. No, sir?

GALWEY. Short?

MARIE. No, M'sieur.

GALWEY. Neither short nor tall. Well that's something. What color hair did he have?

MARIE. Brown, black, I think—I am not sure.

GALWEY. Oh surely he took off his hat.

MARIE. [*Quite seriously.*] Oh, yes always.

GALWEY. Yes, I thought he would. Perhaps his hair was yellow?

MARIE. No, I do not think so, M'sieur.

GALWEY. Oh come now, aren't you sure?

MARIE. It might be light brown. To have such frankness, M'sieur, I did not ever notice the hair a great deal.

GALWEY. Then you can't tell us whether his hair was black or brown or yellow?

DUGAN. Oh I think the witness is pretty clear on that she says it was light brown.

GALWEY. On the contrary the witness seems to be entirely in the dark about his light hair. Marie tell us exactly what color was this man's hair?

MARIE. I have said it, M'sieur. I do not know exactly.

GALWEY. Ah we're getting along famously. We'll have no trouble at all in finding this mysterious stranger. He was tall and short and his hair was yellow, light brown or black. Is that the truth?

MARIE. I have said, M'sieur, I don't know—I can't remember.

GALWEY. What about his eyes?—I suppose he had eyes. What color were they? [MARIE *hesitates before answering.*] Oh come now, don't tell me he had no eyes.

MARIE. Blue.

GALWEY. What shade? Baby blue?

MARIE. No, darker.

GALWEY. Dark blue eyes. Sure they weren't black?

MARIE. No, M'sieur, blue eyes.

GALWEY. That's something any way. How about his face. What kind of a nose had he?

MARIE. One to smell with, M'sieur. [*Laugh.*]

GALWEY. Yes, but what did it look like, long or short? Oh come now, Marie, you like this man: surely you

remember his nose—the nose that he smells with?

MARIE. I can't tell, M'sieur. I can say it was a nice nose, neither big nor little.

GALWEY. Have a wart on it?

MARIE. [*In rebuke.*] Oh, M'sieur.

GALWEY. Well did it?

MARIE. [*Sharply.*] No.

GALWEY. At last you can tell us something. Smith didn't have a wart on his nose. [*Then of a sudden his bantering manner leaves him. He becomes rough, harsh.*] Now this is what you ask me to believe; that Madame Rice had a lover named John Smith, who lives you don't know where; whose telephone number you do not know. Who has black, brown or yellow hair you can't remember which. Blue eyes, you think; and some sort of a nose. Who is tall or short or thin or fat. Do you expect me to believe that?

MARIE. [*With dignity.*] M'sieur, I have done my best to tell you what I know.

GALWEY. I didn't ask you that. Answer my questions. Do you expect me to believe that?

MARIE. Yes.

GALWEY. [*After a pause.*] You told in great detail how Mrs. Rice went out, and what happened after she came home. Now what time did you say she went out?

MARIE. About eight o'clock.

GALWEY. And about what time did she come home?

MARIE. About half past eight.

GALWEY. [*Much elated.*] So on the fatal evening she was away from the house from eight until half past eight.

MARIE. Yes.

GALWEY. Why didn't you tell us that before?

MARIE. Nobody asked me, M'sieur.

GALWEY. And that is the only reason you didn't tell us?

MARIE. But yes.

GALWEY. All right. Now after she came home and you put her to bed, did she go out again?

MARIE. No, sir.

GALWEY. How do you know that?

MARIE. Because I go to her once every hour to see how she is.

GALWEY. [*With some excitement.*] You saw Mrs. Rice lying in bed once every hour during the night?

MARIE. Yes, M'sieur.

GALWEY. [*Intent on establishing this alibi.*] All night long?

MARIE. All night long, M'sieur.

[GALWEY *turns and laughs at* DUGAN. *Then he returns to his bantering manner as he once more faces the witness.*]

GALWEY. Madame, I thank you.

MARIE. [*Most charmingly.*] Oh, M'sieur is very welcome.

[REPORTERS *enjoy this.* GALWEY *then turns away from her, after giving one smiling and all embracing glance at the audience. Then he sits.*]

DUGAN. [*Without rising.*] Why did you go to Mrs. Rice once every hour, Marie?

MARIE. Because she said for me to do this.

DUGAN. Mrs. Rice told you to come to her once every hour through the night?

MARIE. Yes.

DUGAN. Was she emphatic about it?

MARIE. Oh yes—very—

DUGAN. And you are sure she told you to come to her once every hour?

MARIE. Once every hour.

DUGAN. [*Rising.*] Did she tell you to remember that you had done this— Did she ask you to tell anyone you had done this?

GALWEY. Object.

JUDGE NASH. Sustained.

DUGAN. [*Xes back to chair and sits.*] That is all.

GALWEY. One minute please. I'm not through with you. Marie, you have a great admiration for young Mr. Dugan here?

MARIE. Ah yes. I love him.

GALWEY. I don't blame you. You'd do a great deal for this boy wouldn't you?

MARIE. Anything in the world, anything.

GALWEY. That's what I thought. Of course you'd lie for him.

DUGAN. [*Swinging to his feet.*] Don't answer that question. Oh I object your Honor.

JUDGE NASH. Sustained. I think Mr. Galwey if you want to impeach the witness you'll have to take some other method.

GALWEY. If your Honor pleases it seems to me that the witness is palpably lying and—

DUGAN. If the District Attorney feels that my witness has committed perjury why doesn't he take some action in the matter? This grand gesture of his is of course meant to impress the jury.

GALWEY. Marie, did anyone promise you money for your testimony?

MARIE. No, M'sieur.

GALWEY. Did you talk the matter over with anyone before you came into court?

MARIE. No.

GALWEY. Now as a matter of fact, haven't you already been paid a large sum of money—to make up this story about this mythical Mr. Smith?

MARIE. If M'sieur thinks I have lied, then M'sieur is a fool.

GALWEY. That will do. I will ask your Honor to have the witness detained. I shall presently decide whether or not to have her committed for perjury.

[JUDGE NASH *gives signal to* GUARD.]

DUGAN. [*Beside chair at table.*] I dare you to have her arrested for perjury. I'll have her out in ten minutes on a writ.

GALWEY. Nevertheless. I want her detained. One of you men take charge of her.

MARIE. [*Intense alarm.*] Mon Dieu—Mon Dieu. Jimmee—

DUGAN. That's all right, Marie, I'll take care of you.

MARIE. All right, Jimmee, if you say so. Let my arm go!

DUGAN. Captain Price. [PRICE *takes the stand.*] [ASSISTANT DIST. ATTORNEY *goes out for* MRS. RICE.] Captain Price, in your testimony you swore that the finger-prints proved that there was no doubt that the defendant handled the knife that killed Mr. Rice?

PRICE. I did.

DUGAN. Can you tell from these prints, whether they were made by a hand driving the knife into the body or drawing it out?

PRICE. No, I couldn't say that.

DUGAN. If it were shown that the defendant had merely touched the knife in order to draw it out of the body you couldn't say that was not so. I'll have to ask you to answer that question, yes or no.

PRICE. No.

DUGAN. That's all.

GALWEY. All that you are able to determine, Captain, is that the knife was held firmly in the right hand when being used?

PRICE. Yes.

GALWEY. There is nothing to show that it was not used to stab the man?

PRICE. No.

DUGAN. As a matter of fact, Captain, all that the finger-prints show is that the defendant held the knife in her hand?—Her right hand.

PRICE. That's all.

DUGAN. And nothing to indicate that she used it at all?

PRICE. No.

DUGAN. That's all.

[*Exit* MARIE *with* OFFICER.]

GALWEY. No more questions.

DUGAN. Henry Plaisted. [ASSISTANT *enters followed by* MRS. RICE.] Just a moment please.

GALWEY. May it please the Court, Mrs. Rice is here and ready for the cross examination.

DUGAN. I am not ready to call Mrs. Rice, but I will need her at any moment.

GALWEY. Counsel has made a great to-do about her absence. She tells me she is not well and is very anxious to go away.

DUGAN. I can very well understand that.

JUDGE NASH. I'm afraid Mrs. Rice will have to await Counsel's convenience, Mr. Galwey.

[GALWEY *shows* MRS. RICE *to seat beside* DR. WELCOME. GALWEY *resumes his seat.* PLAISTED, *who has*

been standing, half-way to the witness stand resumes his journey. He is sworn and takes the chair.]

DUGAN. Your name, please.

PLAISTED. Henry Plaisted.

DUGAN. Occupation?

PLAISTED. I am in the tailoring business at 543 Fifth Avenue.

DUGAN. Among your clients you numbered the late Edgar Rice?

PLAISTED. I have been making his clothes for many years.

[TWO ATTENDANTS *bring in a dummy.* DUGAN *directs its placement from upper end of table. At his word they remove the cloth.*]

[*Murmurs.*]

DUGAN. All right.

[ATTENDANT *takes cover from Dummy.*]

GALWEY. What is the meaning of this ghastly thing? May it please the Court, we object to this horrible exhibition; it transcends all decency. Nothing so horrible has been shown in the Court of Justice in my long experience.

DUGAN. Does it transcend the photographing of an hysterical naked woman who is incapable of defending herself from such outrage?

GALWEY. Sometimes the ends of Justice—

DUGAN. Damn the ends of Justice. A botched and bun-

gling Police Department has arrested an innocent woman when a blind man could see her innocence. [*He is stopped by* JUDGE NASH'S *gavel.*] I beg the Court's pardon. If your Honor will bear in mind the fact that the defendant in this case is my much loved sister who has been dragged through the muck and mire of this trial solely because the police and the District Attorney either could not or would not open their eyes to the truth, I am sure you will find some excuse for my otherwise unwarranted outburst. I can only apologize most humbly.

JUDGE NASH. I trust that the Counsel's very natural feeling will not again urge him to overstep the bounds of decorum.

GALWEY. Again I object to the use of this most distressing figure. I cannot see what purpose it can serve.

DUGAN. The only purpose it can serve is to prove that my client did not kill this man Rice.

JUDGE NASH. And it is for that purpose alone that the figure is produced?

DUGAN. For that alone, your Honor.

JUDGE NASH. I will permit its use in that case.

DUGAN. [*Crossing to* PLAISTED.] Was Mr. Rice an easy man to please?

PLAISTED. Oh, my God, no.

DUGAN. Hard to fit?

PLAISTED. No. He had a lovely figure. But if I may say so, he was Hell to try on.

DUGAN. You mean he wouldn't stand still?

PLAISTED. No. But he was too busy for fittings so I had a model of him built and I made his clothes from that.

DUGAN. And this is that model?

PLAISTED. Yes.

DUGAN. And the measurements of this model are identical in every detail with those of Mr. Rice?

PLAISTED. Yes.

DUGAN. Are you sure of this?

PLAISTED. My dear sir, I made them myself, personally.

DUGAN. Are you able to state, then, how the depth of chest on the dummy compare to that of Mr. Rice himself?

PLAISTED. They are the same exactly.

DUGAN. That is all, thank you.

GALWEY. No questions.

[PLAISTED *rises and takes chair in the back.*]

DUGAN. Dr. Welcome. [DR. WELCOME *makes his way toward the stand.*] Doctor, this figure is exactly the same size and height of the murdered man. Will you please mark the exact spot on the body where you found the knife wound.

DR. WELCOME. I'm afraid I can't do that from memory.

DUGAN. Then I'll ask you, Doctor, to mark approximately where the wound was.

DR. WELCOME. [*Marking with chalk.*] That's as near as I can place it from memory.

DUGAN. That will do very nicely. Under the left shoulder blade and well to the left side. Now I will ask you to mark for the jury, of course as nearly as you can, the position of the Heart. I mean as in relation to the opening of the wound.

DR. WELCOME. [*Placing the mark on a spot about three inches to the right of the wound.*] About here.

DUGAN. Then the knife blade went from left to right after entering Rice's body. . . .

DR. WELCOME. Yes.

DUGAN. I will now ask you to look at the depth of the chest in this figure bearing in mind the fact that its dimensions are exactly those of the dead man. Mr. Rice was a heavy thick set man was he not?

DR. WELCOME. Undoubtedly.

DUGAN. About how far from the exterior of the dead man's back was the heart cavity situated?

DR. WELCOME. Oh about five or six inches. At least five.

DUGAN. Will you take the stand please. That is all I wish in the way of examination of this figure. [WELCOME *resumes his place on the stand. As he is making his way there* DUGAN *picks up the knife from its place on the* DISTRICT ATTORNEY'S *table and by the time the* DOCTOR *is seated he has it in his hand.*] I hand you the knife with which the murder was committed. The knife marked alone by the finger prints of the defendant's

right hand. [WELCOME *takes the knife in his hands.*] How long is the blade of that knife?

DR. WELCOME. About three inches.

DUGAN. You are sure of that?

DR. WELCOME. [*With a smile.*] It is perfectly evident.

DUGAN. How it is possible to inflict a five inch wound with a knife having only a three inch blade. Or isn't it possible?

DR. WELCOME. Oh quite possible. Shall I explain?

DUGAN. Please.

DR. WELCOME. A heavy blow; a blow of great force compresses the flesh about the entrance to the wound.

DUGAN. But it would require a blow of great force.

DR. WELCOME. Of great force undoubtedly.

DUGAN. [*After a long pause.*] Doctor would it be possible for a woman to inflict that sort of wound?

DR. WELCOME. Yes; it would be possible.

DUGAN. What kind of a woman?

DR. WELCOME. A woman of extraordinary strength; a woman athlete. A circus performer perhaps.

DUGAN. But it would not be possible for a woman of ordinary strength to inflict such a wound?

DR. WELCOME. Quite impossible.

GALWEY. Move that all of the testimony in regard to the kind of woman who could have killed Rice be striken out. I do not believe that Dr. Welcome is qualified as an expert in this regard.

DUGAN. The District Attorney has himself qualified Dr. Welcome as an expert.

GALWEY. Only as to causes of death.

DUGAN. On the contrary I believe Dr. Welcome has qualified as a medical expert.

GALWEY. Does counsel accept Dr. Welcome as such?

DUGAN. Certainly.

GALWEY. I withdraw the objection.

DUGAN. Doctor, the wound then could only have been inflected by a very powerful woman?

DR. WELCOME. That's right. A very powerful woman.

DUGAN. [*X to C. table.*] That's all, thank you Doctor.

GALWEY. [*Stopping him.*] Oh, just a minute Doctor. [*Rises.*] From your long experience are you able to make an accurate estimate of the weight of a man?

DR. WELCOME. Yes.

GALWEY. What would you say Mr. Rice weighed?

DR. WELCOME. About a hundred and seventy-five or one hundred eighty pounds.

GALWEY. The defendant has sworn that when she found Rice dead she first tried to lift him to his feet but that failing in that she had turned him over and then sitting down on the floor had taken him into her arms. You have seen this woman in court. As a medical expert do you believe she is strong enough to do this?

DUGAN. Object.

GALWEY. Counsel has himself admitted that Dr. Welcome is well established as a medical expert.

JUDGE NASH. Objection overruled.

DUGAN. Exception.

GALWEY. Well, Doctor?

DR. WELCOME. Under ordinary conditions I would say that this young woman would not be able to do this but in this case I think she could.

GALWEY. How do you account for that, Doctor?

DR. WELCOME. Any sudden emotion, fear or great anxiety would for the moment lend any woman great additional strength.

GALWEY. And would a sudden burst of rage have the same effect?

DR. WELCOME. Yes.

GALWEY. If it were shown that the defendant was subject to sudden bursts of uncontrollable rage; a rage in which she screamed and swore would you say that she would be physically able to inflict the wound which killed Rice?

DUGAN. Object.

JUDGE NASH. [*After a long pause.*] The objection is overruled.

DUGAN. Exception.

GALWEY. Would the defendant under the conditions named have been able to inflict such a wound?

DR. WELCOME. Yes.

GALWEY. That's all.

DUGAN. Doctor, I'll put this hypothetical question. Suppose that a woman of great wealth and the highest social position has been discovered by her husband in an intrigue with another man. Would the fear of discovery, the terror of disgrace give this woman, a woman of more than ordinary size and strength, enough power to inflict such a wound as killed Rice?

GALWEY. I object. None of the statements contained in that question have been established.

JUDGE NASH. I will allow that question.

DUGAN. Dr. Welcome, would such a woman impelled by great fear have the strength to drive a three inch blade five inches into a man's body?

DR. WELCOME. Yes.

DUGAN. That's all, Doctor, and thank you. No more questions. Inspector Hunt!

DR. WELCOME. I'm not wanted any more today?

DUGAN. I think not. [DUGAN *goes back to his part of the table and stands for a moment looking at his notes. After a pause.* HUNT *in full uniform rises from his place beside* MRS. RICE *and starts toward the witness chair.* DUGAN *stops him with a gesture.*] I want you here if you don't mind. [*The* INSPECTOR *comes to a halt and stands waiting for* DUGAN *to continue.* DUGAN *comes forward, picks up the knife and walks over to the* INSPECTOR. *He then hands him the knife.*] Inspector, from your investigations you have stated here that for various reasons the wound which caused Mr. Rice's

death was inflicted by a knife held in the right hand. That is the fact isn't it?

HUNT. It is.

DUGAN. And you still know that to be a fact do you not?

HUNT. Certainly.

DUGAN. I point out to you the direction the wound took; from left to right. It had to go from left to right to penetrate the heart. That's so isn't it?

HUNT. If Welcome says it's so, it's so. Yes.

DUGAN. I will now ask you to hold the knife in your right hand and stab this dummy in such a manner; the knife blade going from left to right. [HUNT *moves up to the dummy and stands considering it for a moment or two. He tries several different positions and finally standing almost in front of the dummy jabs at his back with the knife held in his right hand.*] [DUGAN *with a laugh.*] Think that's the way it was done, Inspector.

HUNT. It's the only way it could have been done. She was standing in front of him. She was in his arms, when she stabbed him in the back.

DUGAN. Do you seriously ask the jury to believe that, Inspector?

HUNT. I don't see how else it could have been done?

DUGAN. Now I'll ask you to take the knife in your left hand.

HUNT. Left hand— [HUNT *does so.*]

DUGAN. And now standing behind the dummy try again.

[*The* INSPECTOR *makes a jab at the dummy and then turns in surprise to face* DUGAN.]

HUNT. Left hand. [*Laughs.*] Left handed. Oh by God. Left handed. [*Big surprise.*]

DUGAN. That's it, Inspector, thank you. That's all, Inspector. [ATTENDANT *removes dummy.*]

[GALWEY. *doesn't speak but stands staring at* DUGAN.]

DUGAN. Now, Mrs. Rice. [MRS. RICE *crosses to witness stand.*] Why haven't you come to court as you promised?

MRS. RICE. I've been ill.

DUGAN. And you thought a trip to Europe would do you good?

MRS. RICE. A trip to Europe? I don't know what you mean.

DUGAN. Didn't you engage passage on the Leviathan for tonight?

MRS. RICE. Certainly not. Haven't been out of my house all day.

JUDGE NASH. Mrs. Rice, you understand that you are under oath?

MRS. RICE. I do.

DUGAN. And you did not go to the U. S. S. L. office this morning?

MRS. RICE. Certainly not.

DUGAN. Then you're not trying to escape cross examination?

MRS. RICE. No.

DUGAN. Then why didn't you come to court?

MRS. RICE. I didn't understand, I thought I was to stay away until I felt better.

DUGAN. But, now, you are here and ready to answer all my questions?

MRS. RICE. Yes.

DUGAN. Will you please write your name on this slip of paper?

MRS. RICE. No, Mr. Dugan, I am not left handed.

DUGAN. And now, Mrs. Rice— Where were you between eight and half past on the night of your husband's murder?

MRS. RICE. I went for a walk.

DUGAN. With whom?

MRS. RICE. Alone.

DUGAN. Where did you walk to?

MRS. RICE. Oh I just walked.

DUGAN. You said here that when your husband went out that night it was with the understanding that he would return shortly; that you had forgiven him and that you anticipated a happy reunion. Is that why you went for a walk?

MRS. RICE. I was nervous. I thought a walk would do me good.

DUGAN. Did you telephone to anyone while you were out?

MRS. RICE. No.

DUGAN. Sure you didn't go into the drug store on the corner of the street and Park Avenue and use the telephone for nearly fifteen minutes?

MRS. RICE. Of course I didn't.

DUGAN. When you got home; what did you do? What did you do— Sit down and wait for your husband's return?

MRS. RICE. I went to my sitting room and waited. I waited for hours. [*She begins to cry.*]

DUGAN. On the night your husband was murdered? And you had no lover?

MRS. RICE. Certainly not.

DUGAN. And having made that accusation did he not tell you he was going to divorce you?

MRS. RICE. My husband left the house that night to discard his mistress and for no other purpose.

DUGAN. Ask that the witness be instructed to answer my question.

GALWEY. I think that the question has been answered.

JUDGE NASH. Mrs. Rice, I'm afraid you'll have to give direct answers to direct questions.

MRS. RICE. The direct answer is no. It's a lie.

DUGAN. It has been shown here that you had a lover. A witness has described your kisses and love making.

MRS. RICE. Whoever told you that lied.

DUGAN. And you had no lover?

MRS. RICE. No, I tell you, no! [*She stops short as* WEST *enters the Court Room; then she catches herself as she is about to rise and tries hastily to get control of her nerves but all she is able to do is to sit leaning forward staring at* WEST. *Then seeing something in his face to reassure her she sinks back into the witness chair.*]

WEST. [*Advancing towards the bench.*] May it please your honor I have been subpoenaed and—

DUGAN. Yes, Mr. West, there are one or two questions I want to ask you in a moment. Will you please wait.

WEST. Certainly. [*Without a glance at* MRS. RICE *he turns and sits in the chair she has only just vacated.*]

DUGAN. Didn't your husband threaten you with divorce?

MRS. RICE. No.

DUGAN. Didn't he say he was going to throw you out of his house?

MRS. RICE. Certainly not. [WEST *looks greatly astonished at these questions.*]

DUGAN. Will you tell us again exactly what your husband said when he told you he was going to break off his relations with the defendant?

MRS. RICE. He said I was the only woman he had ever really loved and— [*She stops as if shot in the middle of her speech as* MARIE *enters suddenly.* MARIE *comes quickly into the room, sees* WEST *and giving a little cry rushes toward the* DISTRICT ATTORNEY.]

MARIE. Oh!

DUGAN. What is it, Marie?

MARIE. You ask me about this Mr. Smeese.

DUGAN. Well—

MARIE. There he is.

DUGAN. What?

GALWEY. What's that you said?

MARIE. I said that there is Meester Smeese the charming lover of Madame Rice.

MRS. RICE. It's a lie.

DUGAN. Marie. Is that true?

MARIE. Yes.

DUGAN. [*Triumphant.*] Any questions, Mr. Galwey?

GALWEY. Not now. Still keep charge of that woman—

[MARIE *is taken away.*] [*There is a long pause.*]

DUGAN. That's all, Mrs. Rice. Mr. West.

[MRS. RICE *is leaning forward watching this scene intently, but she has herself well under control and makes no real betrayal.* WEST *at once gets into the witness chair.*]

CLERK. Solemnly swear, etc. etc.

WEST. I do. [*Makes motion of kissing Bible and sits.*

DUGAN. [*Comes forward a little toward him.*] You asked the Police Inspector if he knew that you occupied the apartment next to that in which the defendant lived. Now as a matter of fact you occupy that apartment?

WEST. Certainly.

DUGAN. And where were you on the night of the murder?

WEST. At home.

DUGAN. All night?

WEST. All night. Yes, I went to bed about ten o'clock, and slept through the night.

DUGAN. My sister tells me that you came to her the next morning, and offered her your services. Why?

WEST. As a neighbor I'd come to know your sister, and the man I thought was her husband, rather well, and I thought it a neighborly thing to do. I was terribly sorry for her; I still am.

DUGAN. [*Very quietly.*] How long have you known Mrs. Rice?

WEST. I do not know her at all. I never even saw her until she came into this court room.

DUGAN. And that is the truth?

WEST. The truth.

DUGAN. Didn't she promise to marry you if—

WEST. [*Interrupting him.*] Certainly not. Mrs. Rice has never spoken to me.

DUGAN. Didn't you hear Rice shouting from the defendant's room that he had discovered your relations with his wife?

WEST. I heard no sounds of any sort from that room.

DUGAN. Will you swear you didn't hear Rice threaten

to make a new will disinheriting your mistress.

WEST. I heard nothing and I have no mistress.

DUGAN. Now as a matter of fact Mrs. Rice telephoned to you that night at eight o'clock; you rushed out to meet her and she told you that her husband had discovered your liaison; you hurried back to your apartment; you heard Rice tell what you already knew to the defendant; you heard him say he was going to take every penny of his five millions away from the woman you planned to marry; you heard later his cries of agony, through your half opened door you saw her run out of the house and then—you killed. For five million dollars you killed Rice.

[REPORTERS *resume writing.*] [*Sharply distinct murmur.*]

GALWEY. Don't answer that question. May it please the court—

DUGAN. [*Quickly.*] I withdraw the question. [*Pause.*]

WEST. I think I should be allowed to answer that question, Judge.

JUDGE. I think so too.

WEST. I did not kill Rice—I don't know Mrs. Rice and I never saw that woman before. [*Referring to* MARIE.]

DUGAN. I hope Mr. West you'll forgive my inexperience and my deep anxiety to help my sister. [WEST *nods but does not speak.*] There is only one other question. The element of time enters very largely into the case at this point. You say you went to bed at about ten o'clock that night?

WEST. Yes.

DUGAN. And you established that time—. How?

WEST. By my watch.

DUGAN. May I see it please?

WEST. Certainly. [*Hands watch to* DUGAN, *as* DUGAN *looks at it.*] Oh! There's no picture in it.

DUGAN. So I see—thanks— [*Hands watch back to* WEST, *who uses right hand to receive it.* DUGAN, *surprised, walks to desk picks up knife.*] Will you look at this knife. Have you ever seen it before?

WEST. Not till I saw it here, in the Court Room.

DUGAN. Are you sure?—Here, catch! [*Entirely off his guard* WEST *leans forward and catches it in his left hand.* ALL WOMEN *rise. Intense excitement.* DUGAN *who has been watching him closely springs forward and seizes his left wrist holding out the man's left hand still holding the knife.* MRS. RICE *screams once wildly.*]

[*Moving toward* WEST.] I offer in evidence the left handed lover of Gertrude Rice, and the knife with which he committed the murder. That's our case. Your Honor, we submit our case on the evidence and ask for a verdict. [*Lights down.*]

[*Lights up.*] [GALWEY *is seated.* DUGAN *is seated beside his sister.* WEST *is seated beside an* OFFICER. JUDGE NASH *is leaning over his desk toward the audience.*]

GALWEY. The state submits the case to the Jury without argument.

JUDGE NASH. [*Concluding his address to the* JURY.] You are the sole judges of the facts. Of the guilt or innocence of this woman. You are not here to say who

killed Edgar Rice. Your sole function is to determine the guilt or innocence of Mary Dugan. You will now retire and consider your verdict.

[*After the* JUDGE *charges the* JURY *all lights out for fifteen seconds. During Blackout:* JIMMY *goes to the chair beside* MARY. INSPECTOR HUNT *goes to* WEST *who is in witness chair,* CAPTAIN PRICE *goes to* MRS. RICE *who is near the cage. All* REPORTERS *go to the rail just outside of* SPECTATORS' *section, and wait for verdict.* MARY *leans forward nervously looking at the audience. Her brother sits beside her holding her hand.* GALWEY *watches the audience intently.*]

[*As lights come up,* INSPECTOR HUNT *with* WEST *and* CAPTAIN PRICE *with* MRS. RICE *are seen going thru door of cage.*]

CLERK. [*Stilling the murmur on the stage with a sharp rap of his gavel. There is silence for a minute.*] Have you agreed upon a verdict?

VOICE. [*From the audience.*] We have.

JUDGE NASH. Just a moment I'll have no demonstration here, the attendants will place under arrest anyone who causes a disturbance— Proceed.

CLERK. Prisoner stand up— The Jury will look upon the prisoner. The Prisoner will look upon the Jury. How say you: Guilty or Not Guilty?

VOICE. [*From the audience.*] Not guilty.

[*Upon the verdit* "NOT GUILTY," *the* REPORTERS *exit up R. as hurriedly as possible,* JIMMY *takes* MARY *in his arms and exits through spectators up R.*]

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